THE REPLY
OF T. F.
IN DEFENCE

Of the two first Chapters of his *Supplement to the Discussion &c.*

IMPVGNED

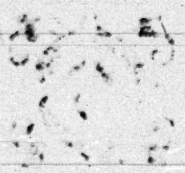
By one falsely naming himself ROGER WIDDRINGTON, *in a Latin Booke intituled,* Disputatio Theologica de Iuramento Fidelitatis.

Also a Copy of a Decree *lately made, & published by the expresse Commaundment of his Holynes, for the condemnation, & prohibition of the aforesayd* Disputatio Theologica, *& of a former Booke of the same Authour, intituled,* Apologia Cardinalis Bellarminij &c.

Difficile est cauere ab his qui sub nomine Fratrum inimici sunt, sub Filiorũ specie parricidæ sunt. *S. Hilarius in illud Psalm. 118. Redime me à calumnijs hominum &c.*

It is a hard matter to be ware of such as are enemies vnder the name of Brethren, and parricides vnder the pretence of Children.

Permissu Superiorum, M. DC. XIV.



THE CONTENTS OF THIS ENSVING REPLY.

THE Preface to the Reader. Wherein is declared the occasion of this Reply, and the Authors intention. Also somwhat is said touching his Aduersarie, the matter which he handleth, and the manner how he proceedeth therein. Finally, the Authour proueth, that his Aduersaries pretended Probability is absurd; and his doctrine no lesse preiudiciall to his Maiesty, then pernicious to Catholikes. pag. 1.

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Three absurd answeres of the Aduersarie to an obiection made by himselfe for vs, touching the Canon of the Councell of Lateran are confuted in the three next ensuing Chapters, and by occasion of his first answere, it is proued in this Chapter, that the consent of temporall Princes is not necessary to the validity Chap. 11.

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THE PREFACE TO THE READER.

Wherin is declared the occaſion of this *Reply*, and the Authors intention. Alſo ſomewhat is ſayd touching his Aduerſary: the matter which he handleth, and the manner how he proceedeth therin. Finally, the Author proueth, that his Aduerſaries pretended Probability is abſurd; and his doctrine no leſſe preiudiciall to his Maieſtyes ſeruice, then to the conſcience of Catholikes.

THERE *came to my handes of late, good Reader, a latin Booke dedicated to the Popes Holines, and intituled,* Diſputatio Theologica de Iuramento Fidelitatis &c. A Theologicall diſputation concerning the Oath of Allegiãce &c. *Wherin the Authour vndertaketh to examine and confute* potiſſima argumẽta, *the chiefe arguments of Cardinall* Bellarmine, Iacobus Gretzerus, Leonardus Leſſius, Martinus Becanus,

canus, *and six or seauen others not named in his title, amongst whome I find my selfe to be one, by reason of my* Supplement to the Discussion of M. Barlowes Answere &c. *published not long since in defence of Cardinall* Bellarmine, *and Fa.* Parsons; *in which* Supplement *I confuted a bold assertion of* M. D. Barlows, *who in his answere to Fa.* Parsons *his Letter, affirmed that the* Law of Nature, God, and Man, doth iustify and enioyne the new Oath, *wherof I proued the cõtrary, shewing euidently that all Lawes diuine and humane (I meane the lawes of* God, Nature & Nations, Ciuil *and* Canõ) *are wholy repugnant to the said Oath, and that therfore they cannot iustify, and much lesse enioyne it.*

D. Barlow in his Answere to a Catholike &c. pag. 311. nu. 112. Supplem. cap. 1. nu. 7. & sequent.

2. *And this hath as it seemeth so much offended the Author of the foresaid* Theologicall disputatiõ, *that albeit he hath written in Latin, & I in English; yet he could not forbeare to censure me amongst the Latin writers, whome he impugneth, pretending to abridge and confute what I haue amply debated in the two first Chapters of my* Supplement *concerning the new Oath; in which respect I haue resolued in this little Treatise to examine as much of his discourse as concerneth me. And albeit he hath written (as I haue said) in Latin, yet because my* Supplement *which he censureth is in English, and the matter it selfe doth specially concerne English men, I haue thought good to answere him in English, to the end that our Countrymen, whome it most importeth to vnderstand well the quality and state of this controuersy, may discouer his weakenes, and auoyde the danger of their soules, wherto they may be drawne by the false fame and opinion that many haue conceiued of his sufficiency.*

3. *But before I come to examine his answere to my arguments, I thinke it not amisse to say somewhat concer-*

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ning him, the matter which he handleth, and the manner how he proceedeth therein. First then touching him, whereas he calleth himselfe by the name of Widdringtō, it is well knowne to many, that M Roger Widdrington, vnder whose shaddow he shrowdeth himselfe, is farre different from him in quality, habit, and profession.

4. And albeit I am not ignorant what his true name and quality is; yet I forbeare to declare it for iust respects, and will only say of him for the present, that wheras our Aduersaryes haue heertofore Leuied, and Prest many souldiers of their owne profession, to mayntaine their quarrells against vs, they haue now, in this late quarrel of the Oath, Prest one of ours (I meane this Author) who so much presumeth of his owne skill, and strength, that albeit the prouerbe saith, Ne Hercules contra duos: yet he feareth not to encounter ten at once, yea hopeth, as it seemeth, to wrest the club out of Hercules his hand, and to beate him with his owne weapon. For he taketh vpon him to ouerthrow Cardinall Bellarmine with his owne argumēts, to batter the fortresse of the Catholike Church with her owne Canons, and Constitutions, and to vndermyne the immoueable rocke of S. Peter, with his owne instruments; and all this he doth with such art and sleight, that whyles he fighteth against the Church, he pretendeth to be a friend and child of the Church; and albeit he impugne the Popes authority, yet he dedicateth his booke to the Pope, laughing vpon him whiles he woundeth him, and betraying Christ with a kisse, as Iudas did.

5. But how vainly he laboureth in all this, he may easily see, if he call to mind what he hath learned in the Catholike Church, to wit, how inexpugnable is the rocke, & seate of Peter, which the proud gates of hel cannot ouercome, and though he be masked for the present vnder

Psal. 9. *another mans wisard, and as the Psalmist saith,* Insidiatur in abscondito quasi leo in spelunca sua, *yet he shall find, and perhaps ere long, how true it is, which our Sauiour*
Matth. 10. *said,* Nihil opertum &c. there is nothing couered which shall not be reuealed, nothing hid which shall not be knowne: *and therefore he may assure himselfe, that all the fruite he shall reape by these his labours, in the end, will be but his owne confusion both temporall and eternall, if he persist in this his course, which I beseech God giue him grace to consider. And this shall suffice concerning him for the present.*

6. *As touching the matter which he handleth and the manner of his proceeding therein; his speciall purpose in this his late worke, is (as I haue partly signified already) to defend the new* Oath of Allegiance, *and to confute all the cheife arguments that haue bene made by any agaynst the seuerall clauses thereof; which neuertheless he meaneth no otherwayes to performe (as he himselfe often protesteth) but only by shewing* probably *that the sayd Oath may be taken by Catholikes, and that nothing hath beene hitherto, or can be obiected against it, which hath not beene, or cannot be* probably *answered; to*
In admonit ad Lect. pag. 2. *which purpose he sayth in his* Admonition *to the Reader, that his intent is* probabiliter solùm commonstrare &c. *only to shew probably, that Cardinall* Bellarmine
» *hath not yet sufficiently demonstrated eyther by the testi-*
» *mony of Scripture, or by the tradition of the Apostles, or*
» *by the definition of the Church, or yet by Theologicall*
» *reasons, that the Pope hath by the institution of Christ,*
» *authority, eyther directly or indirectly to depriue soueraigne*
» *Princes of their temporall dominions.* So he.

Disput. Theolog. vu, 10. 7. *And againe afterwards,* Non tamen propterea mihi animus est asseuerare &c. *Neuertheles my mind*

or

or intentiõ is not to affirme, that the doctrine of the Popes »
power to depose Princes is repugnant to fayth or saluation, »
seeing it hath beene, and is defended by so many Deuines »
whom God forbid I should presume to condemne of so great »
a crime. Thus sayth he.

8. *And speaking also elswhere of his Apology* pro iure Principum, *for the right of Princes, he saith expresly*, that his intention was not as some imagin to refute the opinion, which attributeth to the Pope power to depose Princes, as manifestly false, or to demonstrate by most certayne reasons, that the contrary opinion is true, *but because some very few late Writers, and specially* Cardinall Bellarmine *haue taken vpon them so* stifly, and vehemently *to defend the Popes authority to depose Princes, that they doubt not to taxe such Catholikes, as do not applaud thereto, with the note of heresy:* hoc solùm mihi institutum erat &c. *this only was my purpose,* saith he, *to answere, at least probably, the reasons of Cardinall* Bellarmine, *and to free those pious, and learned Catholikes from the execrable note of heresy &c.* *In præfat. Respons. Apolog. fol. 6. nu. 8.*

9. *And againe after a while,* Qui eam (*sayth he*) diligenter inspexerit *&c. He which shall well consider my Apology, will quickly perceaue that I intended not to* » *lay downe certayne, or assured reasons which may breed* » *a firme, and vndoubted assent, but only probable reasons,* » *drawne from credible principles, which may induce a probable perswasion. So he.* » *Ibid. nu. 9.*

10. *I haue thought good to alledge all this out of him, as well to the end thou maist*, good Reader, *euidently see what is his whole drift in the bookes which he hath hitherto published, as also that I may by the occasion thereof admonish thee of certaine things worthy to be noted*

ted therein. First that he doth not account his owne opinion and doctrine in this poynt to be certayne and assured, but only probable, *neither yet condemneth our doctrine as manifestly false, or repugnant to faith, or to the saluation of soules: besides that* (b) *he confesseth also elswhere, that his Holynes in three seuerall* Breues *hath declared the contrary doctrine contayned in the Oath to be repugnant to the Catholike faith.*

(b) In Ep. dedicat. & in Disp. Theolog. cap. 3. nu. 1.

II. *Whereupon I inferre, that it were no lesse then most dangerous temerity and extreme folly to reiect our doctrine, and to adhere to his; for if it be wisdome in doubtfull matters to take the sureſt way, it cannot with reason be denyed, but that albeit his opinion seeme probable to him, yet the contrary is much more to be imbraced, seing that by his owne cõfession, it is at least* probable, *and therfore may be imbraced without danger; whereas his is not only doubted of, but also declared to be contrary to the Catholike faith, both by his Holynes, and also by very many learned Catholikes (as he* (c) *himselfe also confesseth:) besides that he acknowledgeth* (d) *afterwardes, that* there are very few Authours extãt, *which do deny our doctrine,* in cõparison of those that teach and defend it, *wherto I also add, that it is altogether conforme to the practise of the Church, cõfirmed by diuers generall Coũcells, as I haue shewed particulerly in my* (e) Supplement; *so as no man, that hath care of his soule, can haue any reason to venter it vpon his opinion, impugned and condemned by so great authority, when our doctrine may by his owne confession be securely followed without doubt or danger.*

(c) Vbi supra.

(d) Cap. 3. sect. 3. nu. 15.

(e) Supple. cap. 2. nu. 76. & 77.

12. *Secondly, whereas he professeth not to giue for his opinion any* assured and certayne proofes, which may breed in the hearers, *or Readers,* a firme and doubtles consent, but only probable reasons drawne

See before nu. 9.

from

from credible principles, *he sheweth euidently, that his meaning is not to seeke out the truth, but rather to obscure it, by wrangling & cauilling to shew his wit, labouring to maintaine* paradoxes *with some shew of probability, knowing right well, that as* Cicero *saith*, Nihil tam incredibile, quod dicendo non fiat probabile, *there is nothing so incredible, but it may be made probable by discourse.* *Cicero parad. in proœmio.*

13. *And heerof* Cicero *giueth vs also sufficient examples by the* paradoxes *which he mainteineth, only for his pleasure, as he signifieth, as that*, all sinnes are equall, *that* only wise men are rich, *and that all* fooles are mad: *Which poyntes with certaine others that he handleth (being as he sayth*, contra opinionem omnium *against the opinion of all men) he pretendeth to treate probably, and to try*, possintne proferri in lucem, & ita dici, vt probentur, *whether they may be brought to light, and so handled that they may be approued? To this purpose* Arnobius *saith very well*; Quid est quod humana ingenia &c. what is it that mans witts dare not call in question vpon an humour of contradiction? What can they not with arguments make to seeme probable, though it be manifestly false, and an euidēt lye? for when a man once perswadeth himselfe, that a thing is, or is not, he falleth in loue with his owne opiniō, & delights to shew the excellēcy of his wit, in comparison of other men, especially in matters that are any thing obscure. *Thus saith* Arnobius. *Ibidem.* *Arnobius lib. 2.*

14. *And what els may this man be thought to intend, but to shew his wit, seeing that he pretendeth to produce no further proofe of his opinion, but only* probability, *and withall acknowledgeth that the contrary*

doctrine

doctrine is, and hath beene professed and held by almost all the learned Catholikes that euer haue written, at least whose workes are now extant. Is it likely then that he meaneth to establish the truth? or to quiet mens consciences by the discussion thereof? No truly. But rather that he seeketh (as I haue sayd) to obscure it, and make it doubtfull, when he cannot ouerthrow it; which is the most diuelliſh deuise that any man could inuent to impugne any point of the Catholike fayth, to wit, not to do it al at once, but by degrees, seeking to shake the foundation of it, first calling it in question, and then teaching it to be but probable, *and consequently doubtfull, to the end that the minds of men hanging in suspence, may be disposed to admit as well the errour as the truth.*

Disp. Theol. cap. 3. sect. 3. nu. 15.

15. *Therfore it is to be considered for the third point, what he meaneth by a* probable opinion, *or a* probable answere, *which, no doubt, he vnderstandeth so, that whatsoeuer he sayth, must be held for* probable, *how absurd soeuer it be; for otherwayes he could not challenge to himselfe such a priuiledge of* probability *as he doth, his arguments and answers being so weake and impertinent as you shall find them to bee; in which respect he is fayne to dissemble the answers already made by some to his former arguments and authorities in his* Apology, *wherto he now remitteth his Reader very often, without taking so much as any knowledge of the confutation thereof, as though the same had neuer beene answered, or that euery assertion or position of his, being once laid downe, must needes stand for an eternall law, or were a decree of the* Medes *and* Persians, quod non licet immutari.

Dan. 6.

16. *Fourthly, it is to be considered, that to make an argument, or proofe* probable, *it sufficeth not that it seeme good and true in it selfe, but it must also be able in some*

ſome ſort to counterpoyſe the arguments and proofs of the cõtrary opinion: for often it falleth out that the reaſons of the one part are ſo pregnant, that they ſeeme to conuince, and yet when they are wayghed with the reaſons of the other part, they are neither pregnant, nor ſo much as probable: *for according to the old prouerbe,* one tale is good vntill another be heard.

17. *To which purpoſe it is to be conſidered, that many heretykes, and namely the* Arians *(of whom there are many euen at this day) both doe, and may well pretend a farre greater probability for their opinion then this man doth, or can for his, conſidering their aboundant allegation of Scriptures, their ſubtill ſhifts in anſwering the arguments and obiections of the Catholiks, the great multitude of learned men of their Sect in tymes paſt, and their dignity in the Church, the Conuenticles aſſembled and held in their fauour, and finally the ample propagation of their opinion and Sect, eſpecially in the tyme of* Conſtantius *the Emperour. For which reſpects their followers, at this day, do hold their doctrine not only for* probable, *but alſo for infallibly true, and condemne the contrary for pernicious hereſy: whereas this mans grounds and proofes of his opinion ſeeme to himſelfe ſo weake, that he dare not affirme them to be more then* probable.

18. *Therfore as there is no good Chriſtian that doth now hold the arguments of the* Arrians *to be ſo much as* probable, *conſidering the potent reaſons and proofes of the Catholike doctrine in that point: ſo albeit the arguments & authorityes which this man produceth, were they farre more plauſible and pregnant then they are, yet no Catholike could eſteeme them to be any way* probable, *being compared and ballanced with the irrefragable proofes of the otherpart, I meane the arguments and neceſſary conſe-*

quences

quences drawne from the holy Scripture, the authority of almoſt all the learned Doctours and deuynes that haue written of that point, and the practiſe of the Church for ſome hundreths of yeares confirmed by nine or ten (b) *Councells, wherof ſome haue beene the greateſt that euer were in Gods Church; and therfore I ſay that all this being well wayghed, no Catholike man of ſound wit, or inagment can imagine this mans arguments (which he himſelfe holdeth but for* probable) *to haue any* probability *in the world, or to proue any thing els but his weakenes, wilfulnes, and folly in propounding, and maintayning them.*

(b) See Supplem. chap. 2. nu. 76. & 77.

19. *For albeit he* (c) *teacheth out of* Vaſques, *and others that of two opinions the leſſe* probable *and leſſe ſafe may ſecurely be followed, and that the opinion of a few, yea of one approued Doctor, ſuffiſeth ſometimes to make an opinion* probable, *though many hould the contrary to that one Doctor (to which purpoſe he filleth aboue a dozen pages of his booke with* Vaſques *his doctrine and text) yet he is abſurd in applying the ſame to this our caſe; for although* (d) Vaſques *do teach that a man may in doubtfull caſes or queſtions ſecurely follow the opinion of a few learned Doctors, though the ſame be leſſe ſafe, and probable then the contrary opinion held by many, yet he is to be vnderſtood, to ſpeake only of ſuch diſputable queſtions, as my* (f) *aduerſary himſelfe alledgeth for example ſake, out of* Vaſques, *to wit,* whether there are any habits infuſed by God alone, *concerning which queſtion* Vaſques (g) *ſaith, that albeit Pope* Clement *the fift, did determine expreſly in a Councell held at* Vienna, *that their opinion who held that there are ſuch habits, is more* probable *then the negatiue, yet it was neuer eyther by that decree, or any other, of Pope or Councell determined to be more then* probable; *in which reſpect he doth not condemne the contrary*

(c) VVidd ringt. Diſput. Theolog. ca. 10. Sect. 2. nu. 7. Vſq; ad nu. 21

(d) Vaſques in 1. 2. Diſput. 62. cap. 1. nu. 1.

(f) VVidd ring. ibid. nu. 26.

(g) Vaſques vbi ſupra diſput. 79. ca. 1. & diſp. 86.

trary doctrine for heresy, notwithstanding that he and the far greater part of learned men do hould the other to be certaynly true.

20. *So as* Vasques *is to be understood to speake of questions and opinions altogeather undecided, & not of such a doctrine as ours, touching the Popes power to depose Princes, which as I haue said, hath not only beene taught by the learnedst men of many ages, but also is grounded vpon the holy Scriptures, and confirmed by the practise and decrees of diuers Popes and Councells, as well Generall as Prouinciall, as (to omit the other mentioned in my* (q) Supplement *) it is euident by the decree of the famous Councell of* Lateran, *which expresly ordayned the practise of it in some cases, and did therfore necessarily suppose and firmely belieue the verity of the doctrine* (b) *as I will clearely proue hereafter in this* Reply, *and withall shew the ridiculous absurdity of my aduersaryes arguments and instances against the same, yea and conuince him euen by his owne testimony* to be falne (*to vse his owne wordes*) into errour or heresy, *for not* belieuing *this doctrine which that famous generall Councell* belieued, *and ordayned to be practised.*

(q) See Suppl. cap. 2. nu. 76. & 77.

(b) See cap. 15. nu. 6. 7. 8.

Ibid. nu. 9. 11. & 12.

21. *In the meane tyme he is to vnderstand, that wheras to shew the probability of his doctrine, he bringeth many authors, partly in his* Theologicall disputation, *and partly in his* Apology, *I remit him to* D. Skulkenius *who hath answered particulerly to euery one of them, and proued clearly that diuers of them do make flatly against him, and many nothing at all for him (being truly vnderstood) and that some others are worthily reiected, being eyther so absurd, that they are easily confuted by the circumstances of the places alledged, or els* Heretikes (*as it appeareth by their doctrine in other thinges*) *or knowne*

Theologi disp. cap. 3. sect. 3. nu. 5. 6. & seq. Apolog. nu. 4. & seq.

Se Sculkenius cap. 3.

Schismatikes, *who liuing in the tyme of the Emperours or Kings that were deposed, wrote partially in their fauour, of which sort neuertheles, there are very few; so as of all the authors, that he hath scraped togeather to make some shew of* probability *in his doctrine, he hath no one cleare and sufficient witnes to iustify the same.*

22. *And therefore seeing that all his pretended probability consisteth partly in the authority of these authors, and partly in the sufficiency (as he supposeth) of his answers to our grounds, arguments, and authorityes, which answers I shall haue occasion to confute in this treatise, and to shew them to bee so farre from* probability, *that they are wholy impertinent and somtymes ridiculous for their absurdity; therfore I conclude that he cannot any way cleare or excluse himselfe from the note of great temerity and grosse errour (yea flat heresy, if he be obstinate) in impugning our doctrine grounded vpon such assured & solid foundations as I haue heere signified & will more particulerly & manifestly declare heerafter: as also I wil put thee in mind,* good Reader, *often times by the way to note how probably or rather (to say truly) how absuraly he argueth, and answereth, to the end thou maist the better iudge how dangerous it wilbe for thee to venter thy soule vpō his pretence of* probability, *which is no other but such as any heretike may haue for his doctrine.*

23. *For all Heretykes do thinke themselues and their fellowes, as good and sufficient doctors, to make an opinion* probable, *as he eyther is, or esteemeth his authors to be; and they neuer want Scriptures and Fathers that seeme to them to confirme their opinions, and do make as probable answers to our obiections out of Scriptures, and Fathers as he doth, and many tymes much more* probable *then he; yea and they may either with his arguments and in-*

stances,

ſtances, or other as probable *as they, impugne the authority of any decree of a generall Coũcell, be it neuer ſo expreſſe againſt them, ſaying that the Fathers who made it, followed but a probable opinion, and ſo might erre, as you ſhall heare* (h) *he anſwercth to the decree of the Councell of* Lateran.

(h) *In fra Chap. 13. num. 1.*

24. *And ſo you ſee, that if his pretended* probability *be admitted againſt the common doctrine, practiſe and decrees of the Church, any heretike will not only eaſely defend, but alſo eſtabliſh his hereſy; and any point of Catholike fayth may eaſely be called in queſtion and made only* probable, *and conſequently doubtfull, obnoxious to errour, and to be reiected by any man that liſt to imbrace the contrary: which truly I leaue,* good Reader, *to thy cõſideration whether it be not the right way to ouerthrow Catholike Religion, and to introduce all Hereſy and Atheiſme.*

25. *The fifth and laſt conſideratiõ ſhalbe, that his doctrine is dangerous and pernicious not only to the conſciences of Catholiks (as I haue ſhewed) but alſo to his Maieſties ſeruice, which he pretendeth to further and aduance therby; for he cannot deny, but that the contrary opinion being* probable (*as he confeſſeth it to be*) *may be lawfully imbraced of all men; whereupon it followeth, that any man may not only refuſe the Oath lawfully, but alſo hould that his Maieſty may be depoſed by his owne ſubiects vpon a ſentence of excommunication and depoſition, and that conſequently they may lawfully take armes againſt his Maieſty in that caſe: and this being ſo, what ſecurity hath his Maieſty, or aduancement of his ſeruice by this mans doctrine? For albeit many do now take the Oath, and ſweare that they thinke in their conſcience that the Pope cannot depoſe the King: yet for as much as it is and*

alwayes will be probable, in the opinion of some learned men, that they haue sworne a thing which is false, and consequently that their Oath is inualide, it followeth (according to the groundes of his doctrine) that they may breake their Oath, seeing that they may alwayes probably perswade themselues, that they promised and swore a thing false and vnlawfull, and that therfore they are not bound to obserue it.

26. *Furthermore, if his Holynes should at any tyme dispence with them particulerly for their Oath, or excommunicate and depose his Maiesty, discharging his subiects of their bound of fidelity, and all others of Allegiance, this man cannot deny but that it is* probable *at least, that then they are free from the Oath, and consequently that they may (euen according to his doctrine of* probability) *concur to the deposition of his Maiesty: and therefore seeing that his doctrine doth not giue any security to his Maiesty, and that according to his opnion, any man may as lawfully condemne and refuse the Oath, as approue and take it, it is euident, that his sayd doctrine is not only vaine and fruitles to his Maiesty, but also dangerous and pernicious, no lesse impugning the authority of his Maiesty commaunding it to be taken, then of his Holynes forbidding it.*

27. *Whereupon I infer three things; the first, that he is neither so good a subiect to his Maiesty as he pretendeth, nor such an obedient Child to the Church as he professeth to be. The second is, that his bookes deserue to be prohibited no lesse in* England *then* Rome; *and therefore truly wise men in these parts do greatly meruayle how it can stand with the wisdome of his Maesties Counsell to permit them to be printed, and published in* England *as we see they are. The third is, that he is one of those whom*

Apoc. 3. *God threatneth in the* Apocalyps, *to spit out of his mouth*

mouth, saying of such indifferent men as he, Vtinam esses aut calidus aut frigidus &c. I would thou wert eyther hoat or cold, but because thou art luke-warme, I will begin to vomit thee out of my mouth.

28. *And this shall suffice,* good Reader, *for the present, touching those aduertisements and considerations which I meant to giue thee cõcerning his doctrine in generall: and therefore I will now passe to the examination of his answers to me in particuler, and lay downe in order as much of the text of his* Admonition, *as concerneth me, to the end that he shall not haue occasion to say, that I haue concealed or dissembled any thing that he hath sayd against me; as also that thou mayst see, how* probably *he hath answered me, and thereby the better iudge of the* probability, *as well of his answers to other men, as of his whole doctrine in his* Theologicall disputation, *which as I vnderstand, thou shalt shortly see fully confuted in Latin to his confusion. Besids that, I doubt not, but thou shalt also, euen in this my* Reply, *see a cleare confutation of the cheife grounds of his doctrine, and of his principall arguments, and answers touching the Popes power to depose Princes, which is the mayn question betwixt him and vs, and specially impugned, and abiured in the new Oath.*

CHAP. I.

THE FIRST CHAPTER.

WHEREIN

the Author declareth firſt the cauſe, why he wrote the two Chapters of his *Supplement*, which his Aduerſary impugneth.

SECONDLY,

He examineth the beginning of his Aduerſaries anſwere, and diſcouereth therin two fraudes. Thirdly, he yieldeth the reaſon of a ſuppoſition in his Supplement *impugned by his Aduerſary. Laſtly, he ſheweth that his Aduerſary hath not anſwered either probably, or like a good Catholike.*

TO the end thou maiſt, *good Reader*, the better iudge of the preſent Cõtrouerſy betwixt my Aduerſary & me, I muſt firſt aduertiſe thee of the cauſe, why I wrote thoſe two firſt Chapters of my *Supplement* which he impugneth, and what I eſpecially vndertooke to proue therin. Thou ſhalt

therfore vnderſtand that *M. D. Barlow* taking vpon him in his anſwere to Father *Parſons his Letter to a Catholike Engliſh man*, to ſhew how the Apology for the Oath retorteth the example of *Eleazar* vpon Cardinall *Bellarmine*, inſerted an idle aſſertion or rather exaggeration of his owne by the way of a *parentheſis*, affiming that the *law of Nature, God, and Man doth iuſtify and enioyne the Oath*, and therfore, for as much as I had vndertaken *in my Supplement* to continue, & proſecute the diſcuſſion of *M. Barlows* Anſwere interrupted by the death of Fa. *Parſons* the author therof, and that the ground of all the diſpute betwixt them was the new Oath; I thought good to take the occaſion offered me at my very entrance to debate the matter with *M. Barlow*, and to proue that the *lawes* of *Nature, God*, & *Man* are ſo far from iuſtifying and enioyning the Oath, that they do impugne, prohibit, and ouerthrow it, which I performed in the two firſt Chapters of my *Supplement*, treating amply, and ſeuerally of thoſe three kind of lawes mentioned by *M. Barlow*; and I ſhewed euidently, that the ſaid new Oath is flatly repugnant to them all, that is to ſay, all lawes diuine and humane.

Barl. Anſwere to a Catholike pa. 311. nu. 342.

2. Now then my Cenſurer hauing, as he ſaith, receaued my *Supplement*, when he had already finiſhed his *Theologicall Diſputation*, reſolued to ſay ſomewhat therto in an *Admonition to the Reader*, wherein after certaine Paragrafes concerning *M. D. Weſton* & *D. Sculkenius*, he commeth to ſpeake of me, and hauing ſet downe the title of my *Supplement* with the two firſt letters of my Name, as there he findeth them, he taketh vpon him to lay downe the ſumme and ſubſtance of all my diſcourſe touching the Oath,

Oath, saying thus.

3. *Inprimis supponit in hoc iuramento &c.* First of all he supposeth that the Popes power to excommunicate and depose Princes (if they deserue it, and the good of the Church, and the saluation of soules do necessarily require it) is denied in this Oath. Wherupon he concludeth afterwardes, that although the Oath doth not expressly affirme, that the Kings Maiesty is supreme head of the English Church, nor in plaine wordes denie the Pope so to be; yet it supposeth and implieth both the one & the other, and therupon denieth the Popes authority to excommunicate and depose a temporall Prince: and howsoeuer the matter may be otherwise colored, it is euident inough that the true reasō why the said authority of the Pope is impugned by the Oath, is no other, but becausse the Kings Maiesty is held to be no way subiect to the Pope, yea and to be himselfe supreme head of the Church of God in *England*. This being presupposed he goeth about to proue that this Oath is repugnant to the law of God, of Nature, of Nations, Ciuill, and Canon.

Disput. Theol. in Admonit. ad Lecto. nu. 12. Supple. pag. 86.

4. Out of the old Testament, wherein the old Law is contayned, he produceth this text of Deuteronomy 17. *Si difficile & ambiguum &c.* and certaine particuler factes of Kings and Bishops. Out of the new Law he alledgeth: *Quodcumq; solueris, Pasce oues meas*, and the killing of *Ananias* and *Sapphira*, with some other such examples. By the law of Nature he sheweth that it is cōforme to reason, that in al societies the inferior be subiect to the superior, the imperfect to the more perfect, as the wife to the husband, the seruant to the Lord, the disciple to his Maister, the

» ſubiect to his Prince, policy to religion, temporall
» thinges to ſpirituall, and that he alſo who hath the
» charge and gouernment of temporall things, is ſub-
» iect vntò him that gouerneth in ſpirituall thinges.
» Out of the law Nations, he proueth, that in all com-
» mon wealths, euen amongſt the Infidells, the reli-
» gious ſociety alwayes had the ſuperiority ouer the
» ciuil cõmon wealth, in matters belonging to religion.
» Out of the ciuil law he bringeth many conſtitutions
» of the Emperours, and municipall lawes of our
» Realme, to proue the ſupremacy of the Pope in ſpiri-
» tuall things; and finally in the ſecond Chapter he vr-
» geth only that decree of the Councell of *Lateran*,
» which hath byn ſo often alledged.

5. But firſt no man doubteth, but that many ab-
» ſurdities will ſtraight follow of one inconuenience
» ſuppoſed. But I haue amply ſhewed in this *Diſputatiõ*,
» that this Authors ſuppoſition is moſt falſe, to wit,
» that the Popes power to excommunicate, and his
» Primacy in ſpirituall thinges is denied in this Oath
» which this author doth not proue by any reaſon but
» ſuppoſeth as a thing knowne of it ſelfe. Thus farre I
haue thought good to lay downe the very words and
text of my Aduerſary, to the end that the Reader
may fully vnderſtand his meaning, and the better
iudge of my anſwere.

6. And in all this he laboureth, as it ſeemeth, to
perſwade his Reader two thinges, the one that he
hath heere fully deliuered the whole ſum me and ſub-
ſtance of my two firſt Chapters (but how lamely and
fraudulently he hath done it, wee ſhall euidently ſee
(c) heerafter.) The other is, that all my arguments
and reaſons are grounded vpon a falſe ſuppoſition of

(c) Chap. 5 & 7.

my

my owne, which he sayth I do not any way proue but suppose as knowne of it selfe, and this he seemeth to gather out of my owne wordes alledged by him, as you haue heard, wherein I affirme that the new Oath suppoſeth and implieth the deniall of the Popes supremacy, although it be not expresly denyed therein.

7. But in this he vseth two fraudes, the one, in the relation of my words, and the other, in the vse and application of them: for albeit he alledgeth them truly, and doth not falsify my text, yet he relateth them in such sort that his Reader must needes conceaue that I lay them downe in the very beginning of my discourse, for the only foundation and ground of all my building, and therefore as soon as he hath cyted them, he sayth, *hoc posito probare contendit* &c. this being suppoſed he laboreth to proue that this Oath is repugnant to the diuine and naturall law, to the law of Nations, Ciuill, and Canon. So he; and then he proceedeth to the abridgment of all my discourse, beginning with the Law of God in the old Testament, and so goeth one with the rest, and impugneth my suppoſition as the only foundation of all my discourse and arguments.

8. But the truth is, he findeth those wordes of myne in the 6[illegible]. page of my *Supplement* (as it may appeare by his owne quotation thereof) after I haue discourſed of the law of God, in the old and new Testament, and of the laws of nature, and nations, and of the ciuill law, in the cōclusion whereof I haue those words, referring them to the ciuil law only for hauing proued that the said law confirmeth and esta-

bliſheth the Popes ſupremacy, I inferred that it cannot fauour, and much leſſe enioine and iuſtify the Oath for 2. reaſons: the one, becauſe the ſayd Oath is in part grounded vpon the beliefe, that the Kings Maieſty is ſupreme head of the Church of God in *England*, and no way ſubiect to the Pope (which is repugnant to the Ciuill law;) & the other, becauſe the Ciuill law acknowledging the ſubiection of temporall Princes to the Pope in matters belonging to their ſoules, and to the good of the Church, doth by a neceſſary conſequent acknowledg, that they may be puniſhed by him temporally in their perſons, and ſtates, where the good of ſoules and the ſeruice of God doth require it, according to the rule of the Law, *Acceſſorium ſequitur principale*, the acceſſory followeth the principall. Thus I ſay, I argued in the place which he citeth, and I remitted my Reader for the confirmation of this ſecond reaſon to a more ample diſcourſe thereof before in the ſame Chapter.

num. 66. & 59. 9. Now then it apeareth (as I haue ſayd) that he hath dealt fraudulently with me two wayes, the one in referring my ſuppoſition to all the lawes whereof I treated, whereas I referred the ſame expreſly, and only to the Ciuill law: the other in making the the ſayd ſuppoſition the only ground of all my diſcourſe; when neuertheles he could not but ſee, euen in the very ſame place from whence he tooke my wordes, that I did not proue the Oath to be vnlawfull by that ſuppoſition only, but alſo by the ſubordination and ſubiection of temporall thinges to ſpirituall, when the good of ſoules, and the ſeruice of God requireth it; beſides that, it is moſt euident in my

my diſcourſe concerning diuers of thoſe lawes, that I deduced the vnlawfullnes of the Oath, from the very ſubſtance of them, as it will manifeſtly appeare heerafter (b) when I ſhall come to touch them in particuler.

(b) *See c. 5. nu. 19. & c. 6. à nu. 2 vſq; ad num. 14.*

10. And as for my ſuppoſition, that the Oath implieth the deniall of the Popes Supremacy, thou ſhalt vnderſtand, *good Reader*, that I was moued thereto by two reaſons, which are manifeſt inough in the very place which he citeth: the one was, becauſe it is euident, that the fayth and beliefe of all Engliſh Proteſtants is, that the Kinges Maieſty is no way ſubiect vnto the Pope, but that he is himſelfe ſupreme head of the Church of God in *England*. Wherupon it may with great reaſon be inferred, that the deniall of the Popes power to depoſe his Maieſty which is expreſſely contayned in the Oath, is ſuppoſed, and implied therin, as a neceſſary conſequent of their beliefe who ordained it.

11. For it is great reaſon to interpret all aſſertions poſitions, lawes, or decrees (eſpecially ſuch as touch religion) according to the doctrine, and beliefe of the authors thereof; for it is to be preſumed, that euery one ſpeaketh, writeth, and decreeth according to the grounds and principles of his beliefe, and Religion as euery Artſan worketh according to the groundes and principles of his art. And therfore, as the poſitions, aſſertions, and decrees of knowne, and profeſſed Catholikes, are to be interpreted according to the groundes of the Catholike Faith: ſo alſo the poſitions of all Sectaries whatſoeuer, are to be vnderſtood according to the different doctrines of:

of their sects; in so much, that if a Catholike, and a Protestant should affirme both of them one thing (which might be controuersed in respect of religion) the sense and meaning of eyther of them, is to be interpreted according to their different religions, and their different groundes, and sense thereof. And vpon this consideration, I made no doubt to affirme, that the new Oath denying the Popes power to depose his Maiesty, implieth the deniall of the Popes Supremacy; for that not only his Maiesty, but also all they of the Parliament which decreed it, do hould and belieue, that the Pope cannot depose his Maiesty, because he hath no authority at all in *England*, and especially ouer his Maiesty.

12. My other reason, was the same that I haue touched before, concerning the necessary deduction of the Popes power to depose Princes from his Ecclesiasticall supremacy: for albeit the supremacy of the Pope be not expresly abiured, or denied by this Oath, yet it is denied couertly, and by a necessary consequent, because his authority to depose Princes (which is necessarily deduced from the supreme power that Christ gaue him) is denied therby: as in like case, if wee should deny that his Maiesty hath any lawfull power to suspend, or depriue the Archbishop of *Canterbury*, all *Protestants* would say, that we deny not only his Ecclesiasticall supremacy, but also his temporall and Kingly authority, because the power to suspend and depriue Bishops, within his Realme, is included therin, and necessarily deduced from it, in the opinion of all *Protestants*. And in like manner we say, with much more reason, that whosoe-

ſoeuer abiureth the Popes power to depoſe Princes, he doth conſequently abiure his ſpirituall authority, becauſe the former is included in the later, and doth neceſſarily follow of it, as it hath been amply proued by diuers, and namely by me in my *Supplement*; whereof I ſhall haue further occaſion to lay downe the particulars heerafter. *Chap. 5. & 7.*

13. Yea but the King, ſayth this author, hath ſufficiently declared that his meaning is not to exact of his ſubiects any abiuratiõ of the Popes ſupremacy. *Mirum profecto eſt*, ſayth my aduerſary, *quòd homines eruditi non erubeſcãt &c. Truly it is a wonder that learned men do not bluſh to affirme with ſo great confidence, that to be the Kinges mind, which he doth expreſly profeſſe in his publicke writinges not to be his mind: and that they preſume to inculcate that argument ſo oft, and ſo coldly without any proofe, ſeeing the ſame hath beene ſo ſoundly and ſo oft confuted both by the King himſelfe, and alſo by very many others.* So he. *VVid. dring. in Admonitione ad Lector. nu. 14.*

14. Whereto I anſwere, firſt concerning his vayne bragge, of the ſound confutation of our argument, that ſeeing the ſame hath no other ground nor proofe heere, but his owne word, and idle affirmation, it deſerueth no other anſwere in this place, but a flat deniall. Secondly, touching the declaration of his Maieſtyes mind in this poynt, I cannot but meruaile, that ſuch a learned man, as this author is beld to be, cannot diſtinguiſh betwixt the contents of the Oath, and the end or intention of him that ordayned it. For I will not deny, but that his Maieſty might intend nothing els by ordayning this Oath, but to exact of his ſubiects a profeſſion of their obedience vnto him, and yet neuertheles he

that ſhould take the Oath, ſhould therby abiure the Popes ſupremacy (for the reaſons before declared) notwithſtanding his Maieſties proteſtation of his intention.

15. This will be euident, if we turne the caſe to a like Oath of the Popes part, as for example; if the Pope ſhould exact an Oath of Catholiks to ſwear that the King cannot depriue a lawfull Biſhop of *Canterbury*, and ſhould withall proteſt, that he meaneth not therby to make them abiure, or deny the Kinges authority, but only to profeſſe their duty and obedience to the Sea Apoſtolike, I make no doubt, but that the Proteſtants would ſay, according to their groundes; that this proteſtation and declaration of the Popes mind could not excuſe the takers of ſuch an Oath, from the deniall of the Kinges Royall authority, becauſe his Eccleſiaſticall ſupremacy is (according to the Proteſtants opinion) ſo neceſſarily included in his Regall or Kingly power, that whoſoeuer denieth the one, doth conſequently deny the other. In which reſpect, I ſay, the Popes proteſtation of his meaning, or intention could not in the Proteſtants opinion, warrant the ſwearers from periury.

16. And ſo ſay we in this caſe of his Maieſtyes publicke profeſſion and declaration of his intention, that it cannot alter the nature of the Oath, or derogate any thing from the contents thereof, or from the Popes ſupremacy, or from his Maieſties beliefe concerning the ſame, and much leſſe can it make any thing in the Oath lawful, which is otherwayes vnlawfull: and therefore, I ſay, that ſeeing the Popes power to depoſe Princes, is neceſſarily included

ded (according to our doctrine and beliefe) in the Popes Eccleſiaſticall ſupremacy, that the takers of the new Oath cannot be excuſed from the denial of the Popes ſupreme authority, nor conſequently from periury, notwithſtanding any proteſtation of his Maieſty to the contrary; for if he ſhould proteſt that he doth not force the takers of the Oath to abiure the Popes Supremacy, it were *Proteſtatio contraria factis*, a proteſtation contrary to his deedes, which the Lawyers hould to be nothing worth.

17. Now then to conclude this point, whereas this man ſayth (as you haue heard) that it is meruail that learned men bluſh not to affirme the Kings mind to be that, which his Maieſty hath declared to be no part of his meaning, I may well ſay, that it is a far greater wonder, that he profeſſing to be a *Catholike*, and knowing, and confeſſing, as he doth in his (c) Epiſtle dedicatory, and after in his *Theologicall diſputation*, that his Holynes, in two Breues hath declared his mind concerning this Oath, *palàm & expreſſè*, openly and expreſſely (to wit, that it contayneth many thinges, which are manifeſtly repugnant to the Catholike faith, and ſaluation of ſoules) it is, I ſay, an extreme wonder, that he bluſheth not extremely to defend the ſayd Oath, contrary to the expreſſe and ſtrict commandement of his ſupreme Paſtor, whoſe voice he is bound to heare and obay, if he be a ſheep of Chriſts fould, and child of the Catholike Church.

(c) *Epiſt. dedicat. in principio. Item cap. 10. Sect. 2. nu. 1. & 2.*

18. And therefore I conclude, that he ſheweth himſelfe not only impudent, but alſo impious, in preferring the declaration of a temporall Prince (which neuertheleſſe being well wayghed, doth no-

thing help his cauſe, or preiudice ours) before an Apoſtolicall decree of S. *Peters* ſucceſſor, whoſe obedient child he profeſſeth, and ought to be: wherin he ſheweth ſufficiently, how good a *Catholike* he is, and whome he houldeth for his ſupreme head in Eccleſiaſticall cauſes, as alſo what probability we may expect of him heerafter, for the confirmation of the reſt of his aſſertions, and anſweres, ſeeing that we haue found him, at the very firſt, ſo fraudulent, friuolous, and contrary to his owne profeſſion, as you haue heard in this Chapter.

THE

THE ADVERSARIES ANSWERE

To an argument of the Author, is confuted by his owne doctrine: and certaine instances of his are examined and proued to be partly malicious, and partly improbable, impertinent, and ridiculous.

CHAP. II.

AFTER that my Aduersary hath impugned my suppoſition in ſuch ſort as you haue heard, he taketh in hand to anſwere an argument and deduction, which I drew from this principle of the law, *Acceſſorium ſequitur principale*: The acceſſory followeth the principall: Thus then he ſaith, *Secundò, quàm vana ſit illa conſequentia &c.* Secondly, euery learned man may perceaue how vaine the conſequence is, which this Author deduceth thus; *the acceſſory followeth the* »

VVidring. vbi ſupranus.

» *principall, therfore the Church hauing power ouer the ſoule,*
» *hath power conſequently ouer the body and goods*, ex-
» cept it be vnderſtood of the power to commaund
» corporall things, ſo farre forth as they ſerue to ſpi-
» rituall things, for otherwaiſe we might argue vpon
» that principle thus: *the acceſſory followeth the principal*,
» therfore he that is Lord of all horſes, is Lord of all
» brydles; the Pope hath power ouer the ſoule of the
» Prince, and therfore ouer his life; let the Author
» explicate heere, what is to be vnderſtood by the
» name of *acceſſory*, and what by the name of *principall*,
» in that *axiome* of the lawyers (which ſuffereth many
» exceptions, and is limited by them diuers wayes;)
» in the meane time we deny his conſequent. So he.

2. Wherein I wiſh it to be noted, firſt what he graunteth, and after what he denieth, and I doubt not but it will eaſily appeare, that he ouerthroweth his owne arguments, and contradicteth himſelf. He graunteth, as you ſee, that my conſequence is not vaine if it be vnderſtood of a power in the Pope to commaund corporall things, ſo farre forth as they are to ſerue ſpirituall things, and yet he denyeth my conſequence, albeit I do not therby ſuppoſe in the Pope any other power ouer bodies and goods, then ſuch as followeth of their ſubordination to the ſoule, which is in effect the ſame relation, & limitation that he maketh therof, to wit, ſo far forth as corporal and temporall thinges are to ſerue ſpirituall thinges, as it may euidently appeare by the diſcourſe which I make concerning the ſame in my *Supplement*, from whence he taketh my argument: and therfore I thinke good to repeate heere, what I haue ſaid there touching this point, whereby I

hope, I shall not only fortify and proue my consequence, which he denyeth, but also explicate fully what I meane by the names of *accessory*, and *principall*, as you see he commaunded me to do.

3. Hauing discoursed in my *Supplement* of the written law of God deliuered to vs in the new testament, & proued therby that our Sauiour made *S. Peter* the supreme *Pastor* and Gouernour of his Church, I proued also the extension of his spirituall power to temporall thinges thus: *The spirituall Pastor*, sayd I, hauing power ouer the soule, must needs haue authority ouer the body & temporall goods or states, so far forth, at least, as it shalbe cõuenient for the good of the soule, according to the rule of the law, to wit, *he that hath the greater power, hath the lesse*. By the which reason the Apostle iustified his dealing with temporall affayres, yea with such as appertayned to politicall gouernment, when he aduised the *Corinthians* to constitute, and appoint Iudges amongst themselues, to decide their controuersies, rather then to haue recourse to the tribunalls of Infidells. *Nescitis &c. Know you not* (sayth he) *that we shall iudge Angels, how much more secular thinges?* as who would say, seing we haue the greater, & more eminent authority, haue we not also the lesse? if we haue power ouer spirituall things, shall we not haue power ouer temporall and secular things? Thus argueth the Apostle, and thereupon doubted not to intermeddle in the temporall, and politicall gouernment, which then belonged to the Pagan Emperors. *Supple. cap. 1. nu. 65.* *1. Cor. 6.*

4. Moreouer we read in the old Testament, that *Elias* the Prophet had power to inflict temporall punishment, yea death vpon the false Prophets of *Achab*, *3. Reg. 18.*

Achab. whom he commanded the people to kill in
4. Reg. 1. his presence; as also he caused fire to fall from hea-
uen, and consume the two Captaynes of King *Ocho-*
» *zias* and their troupes. In like manner we read in the
» new testament that the Apostles *S. Peter* and *S. Paul*
» extended their spirituall authority to the temporall
» punishment of the body, when it seemed to them
» conuenient for the glory of God, and the good of
soules; and therefore *S. Peter* strook (b) *Ananias*
(b) *Act.* 6. and *Saphyra* with sudayne death, and *S. Paul* depry-
(c) *Ibid.* 13. ued (c) *Elimas* the Magitian of his sight, and deli-
(d) 1. *Cor.* 5. uered the incestuous (d) *Corinthian* to the Diuell to be
» bodily vexed and tormented, for the example and
» terrour of others, *vt spiritus saluus fiat*, that his soule
» might be saued; and the same iudgments, and cor-
» porall punishments these Apostles might (no doubt)
» as lawfully haue executed vpon any Prince in the
» world, if he had then beene a Christian, and giuen
» the like occasion.

5. All this may also be confirmed by the com-
» mon custome and practise of the primitiue Church,
» to enioyne bodily pennance to publike penitents;
» as to attend to continuall fasting, and prayer, and
» to ly vpon sackcloth and ashes (as it may be seene in
Tertul. de pœnit. *Tertullian*, *S. Ambrose*, and others:) wherupon it fol-
loweth that if the Church may chastise a man in his
body for the good of his soule, much more may she
Ambros. ad vrgin. lapsam. cap. 28. chastise him in his goodes, and temporall state, which
are ordayned by the law of nature to serue both the
body, and the soule, as the Philosophers teach, and
» namely *Plato*, who therfore aduised a law-maker to
» procure by his lawes, that the three kindes of goodes
» (to wit, of the mind, the body, and fortune) be

sought

sought and possessed in dew and ordinate manner, that is to say, that the goodes of the mind be preferred before the other two, and the goodes of the body esteemed only so far forth, as they may serue the mind; and lastly that the goodes of fortune (which are honor, dignity, wealth, and temporall states) be accoumpted no better then ministers and seruants of both the other: whereupon I inferre (according to the *axiome* of the law, *accessorium sequitur principale*) that seeing not only the body, but also temporall goodes, and states are inferiour to the soule, and ordayned for the seruice thereof; it must needes follow, that the Church hauing power and authority ouer the body, for the benefit of the soule, hath also power ouer temporall goods and states, when it is necessary for the good of the soule, and for the glory of God, for the which our soules, bodyes, goods, stats, & all things els were created, & ordayned. And this me thinkes our aduersaries should not deny, seeing that their Ecclesiasticall discipline admitteth not only corporall chastisements by imprisonment, but also pecuniary mulctes and penalties. *Plato ep. 8. ad Dionys.*

6. Therefore vpon this I inferre, that Christian Princes being sheep of Christes flocke, and consequenly to be fed and gouerned by the supreme Pastor of the Church, may also be chastised by him in their temporall states, when it shall be necessary for the glory and seruice of God, the benefit of soules, and good of the whole Church, wherto all Christian Kingdomes, & Empyres are subordinate, & subiect, as I haue proued before out of the holy Scripture, and will proue also after a while by the very law of nature, and light of reason. *Isa. 60.*

7. Thus did I diſcourſe, and argue in my *Supplement*, wherby my Aduerſary may perceaue, firſt what I meane by the *acceſſory*, and by the *principall*, as that the ſoule of man, and the ſeruice, and glory of God are the *principall*, & that the *acceſſory* is the body, goodes, and all temporall ſtates whatſoeuer, becauſe they are ſubordinate to the ſoule, and ordayned for the ſeruice thereof, and for Gods glory.

8. Secondly, he may ſee the force and validity of my conſequence, to wit, that becauſe the Church hath power ouer the ſoule (which is the *principall*) therfore it hath alſo power ouer the *acceſſory*, that is to ſay, ouer the body, temporall goods, and ſtates, when it is neceſſary for the good of the ſoule, and the glory of God, for which our ſoules, bodyes, goods, ſtates, and all things els were ordayned.

9. Thirdly, he may note his abſurdity in denying the conſequence, and yet graunting it in effect. For granting, as he doth, that the body, and temporall goods are ordayned to ſerue ſpirituall things, and that therefore the Pope hath *authority to cõmaund corporall and temporall things in order to ſpirituall* he graunteth conſequently as much as I require, to wit, that the Pope hath power to puniſh corporally and temporally when it ſhalbe conuenient for the good of ſoules, and Gods glory; for he can giue no ſufficient nor probable reaſon why the Pope can doe the one, and not the other; ſeeing that it cannot be denied, but that the Church hath alwayes vſed to enioyne bodily pennance to her penitents, as faſting, prayer, and lying vpon ſackcloth and aſhes, which was vſually impoſed, euen in the primitiue Church, as I ſhewed in the place alledged a litle before

ſupra nu. 1

ſupra nu. 5.

before out of my *Supplement*.

10. Whereupon I inferre, that if the Church may puniſh a man in his body for the good of his ſoule, it may puniſh him in his goods to the ſame end, ſeeing that temporall goods are inferior to the body, and ordained for the ſeruice of the body, and ſoule, as I haue before declared by the opinion of the Philoſophers themſelues. But becauſe he will giue me a better occaſion hereafter to treate more amply of this poynt, and to confute a friuolous diſtinction of his, of the power to commaund corporall things, and to puniſh corporally, I will now ſay ſomewhat to the inſtãces that he bringeth againſt my cõſequence which he impugneth, by drawing two other conſequences from the ſame principle, and confronting them with mine, to ſhew ſome abſurdity therin.

Ibidem. *Infra cap. 5. nu. 1. 2. & 39. Item ca. 6. nu. 13. 14. 15. 16. & ſequent.*

11. *Acceſſorium*, ſayth he, *ſequitur principale* &c. *the acceſſory followeth the principall, therfore he which is Lord of all horſes, is Lord of all bridles; the Pope hath power ouer the ſoule of a Prince, and therefore ouer his life. So be.* But of theſe two inſtances I muſt needes ſay, that the former is ridiculous, and the later malicious; for by the former he impugneth himſelfe, and not me; you haue heard him before admit my conſequence, ſo that it be vnderſtood of power to *commaund corporall things in order to ſpirituall*; for he ſayth that my conſequence is vaine, except it be vnderſtood in that manner, and therefore being vnderſtood ſo, he alloweth it for good. And if we vnderſtand it ſo, then it muſt needes follow, according to his owne ground, that he who is Lord of all horſes (which are the *principall*) may commaund all bridles, becauſe they are the *acceſſory*.

See before nu. 1. *Ibidem.*

12. Now then he muſt eyther graunt his owne argument or deny it; if he graunt it, he proueth nothing therby againſt me, but rather fortifyeth my conſequence (which is, as he himſelfe relateth it, that the Church hauing power ouer the ſoule, hath power alſo ouer the body, and goodes, becauſe the *acceſſory* followeth the *principall*:) if he deny it, he denyeth his former graunt, which was as you haue heard, that whoſoeuer hath power to commaund the *principall*, may commaund the *acceſſory*, for ſeeing that all horſes are the *principall*, & all brydles the *acceſſory* (according to his owne ſuppoſitiō in his argument) he that denyeth the Lord of all horſes to be the Lord of all bridles, denyeth that he who hath power to commaund the *principall* may cōmand the *acceſſory*, which is the ſame that he hath granted already, as you haue heard: ſo as, I ſee not to what purpoſe this his argument ſerueth, but to diſcouer his owne folly; & yet forſooth, he wil haue vs to belieue in any caſe, that al his argumēts are probable at leaſt.

13. But let vs ſet a ſide his grant, and conſider how probable is the inſtāce that he maketh againſt me by this argument, conſidered in it ſelf, and compared with myne. The *acceſſory*, ſaith he, followeth the *principall*, *and therfore he which is Lord of all horſes, is the Lord of all brydles*, which no doubt is true, if he ſpeake of ſuch a one, as hath a ſupreme dominiō or power, as I do in my argument, when I ſpeake of the Pope, who being ſupreme head of the Church, and in that reſpect hauing the direct charge of mens ſoules, hath alſo indirectly the care and charge of whatſoeuer is acceſſory to the ſoule, and ſubordinate therto, ſo far forth, I meane, as is requiſite

for

for the good of ſoules; as alſo in like manner, a ſupreme temporall Prince, albeit he be not directly the Lord of all horſes, and brydles in his Kingdome, or ſtate, yet, hauing directly the charge and care of the whole common wealth, he may diſpoſe not only of all the horſes, but alſo of all the brydles in the common wealth, when it ſhall vndoubtedly be conuenient & neceſſary for the publike good therof.

14. And if we conſider alſo his argument euen in particuler and priuate men, it may haue a very true ſenſe, and will fortify myne; for whoſoeuer is Lord of any horſe, is Lord alſo of the brydles that belong to that horſe, becauſe (according to this mans ſuppoſition) they are the *acceſſory* of the ſaid horſe, and therfore according to my *Axiome*, do follow their *principall*; and the ſame muſt needes be graunted in this our caſe, ſeeing that the Pope doth no otherwyſe diſpoſe of temporall goodes, then the ſame do belong to particuler men, whome he hath occaſion to chaſtiſe for the benefit of their ſoules, and the publick good of the Church; and therfore when he puniſheth any Prince temporally, he neyther doth, nor can do it in other mens goodes, but only in thoſe goodes or ſtates, which belong to that Prince, as the Lord of a horſe diſpoſeth not of other mens brydles, but of the brydles that belong to his owne horſe; for as other mens brydles are not the acceſſory of that horſe, ſo neyther are other mens goodes acceſſory to the Prince, who is to be puniſhed, but ſuch goodes, or ſtates only as belong to him, and may cõſequently be diſpoſed of by his ſupreme Paſtour, when his, and the publike good of the Church ſhall neceſſarily require it: ſo

as you ſee, how well this man argueth for me, in the very inſtance that he maketh againſt me, and therfore the *probability* that I ſee in this his argumēt is no other, but that he plaieth, as I may ſay, booty with me, and helpeth vnder-hand to defend my cauſe. Thus much for the firſt argument.

15. His other is as I haue ſaid no leſſe malicious then his laſt was fooliſh and ridiculous. The *Pope* (ſaith he) *hath power ouer the Princes ſoule, ergo ouer his life, becauſe the acceſſory followeth the principall*; wherin, you ſee, he ſeeketh to draw vs to an odious queſtion, touching the liues of Princes. Neuertheleſſe, to ſay ſomwhat vnto his argument, and yet not to enter into ſuch an odious matter, let him make the caſe his owne, and I will not deny but that the Pope hauing power ouer his ſoule, and being withall ſupreme Gouernour of the whole Church, hath power alſo ouer his life, ſo far forth, as it may be conuenient for the good of the Church. I meane not, that the Pope hath power to take his life without iuſt cauſe, or by vniuſt or vnlawfull meanes (which neyther the temporall Prince, who hath the direct power ouer his body, can do) but vpon iuſt occaſion giuen by him, & according to the ordinary manner preſcribed by the Eccleſiaſticall Canons, that is to ſay, by deliuering him ouer to the ſecular Iuſtice, becauſe the Church, as *S. Leo* ſaith *refugit cruentas vltiones*, doth fly bloudy puniſhmēts, and therfore the Church vſeth not by her owne miniſters to giue, and much leſſe to execute the ſentence of death vpon any, though ſhe might do it, if ſhe would; for ſeeing there is nothing that hindreth it, but Eccleſiaſticall Canons, the Pope being

S. Leo ep. ad Turbiū Aſtnricenſem Epiſc.

ing head of the Church, might dispence therwith and make it lawfull, if iust occasion requyred.

16. And how true it is, that the Pope hath power ouer the lyfe of any Christian (with the circumstances and limitations before mentioned) I feare me, my Aduersarie might find to his cost, if he were here, & would not recant his doctrine, euen in this point, to wit, that the Church cannot inflict temporall and corporall punishment, wherby he impugneth not only the ancient and vniuersall practise and custome of the Church, but also the Ecclesiasticall (b) Canons and Decrees of many Councels, and Popes, and finally of the late Councell of Trent, as I shall haue good occasion to shew more particulerly (c) herafter.

17. In the meane time he is to vnderstand, that graunting, as he doth, that the body is subordinate and subiect to the soule, and that all corporall and temporall thinges are to serue spirituall things, yea and to be commaunded by the supreme spirituall Pastour to that end (and consequently that they are *accessory*, in respect of the soule and good of the Church) he cannot with reason deny the consequence of my argument, to wit, that for as much as the *accessory followeth the principall*, therfore he that hath power ouer the soule, and all other spirituall things, hath power also ouer all thinges that are *accessory* therto, namely the temporall goodes, states, and bodyes of all Christians, when the good of soules, and of the whole Church doth necessarily require it; as shall be further declared after a (d) while vpon further occasion giuen by my Aduersarie.

(b) *Cap. ad abolendam. cap. vergentis. cap. excõmunicamus extra. de hæret. & cap. licet de voto. & c. 1. de homicidio in sexto. & Concil. Trident. sess. 24. c. 8. & 25. cap. 3.*

(c) *Infra c. 11. nu. 3. & 9. item. c. 12. nu. 6. 7. & seq.*

(d) *Cap. 5. nu. 37. & 38. itẽ cap. 6. nu. 12. 13. 14. & seq.*

THE

THE ADVERSARIES ANSWERE

To an argument of Lessius *is confuted, and foure other arguments, which he scoffingly frameth to imitate that other of* Lessius, *are examined, and found to be very friuolous, and nothing at all to the purpose.*

CHAP. III.

FROM this he proceedeth to an argument of *Lessius* thus: *Simile argumentum habet Lessius &c.* Lessius hath the like argument: *The Pope*, sayth he, *may excõmunicate a King*, ergo, *he may depose him*, *because he which may inflict a greater penalty, may inflict the lesse. We might also conclude thus (if it were lawfull to transcend from one thing to another of a diuers kind and order) The Pope may excommunicate Kinges*, ergo, *he may kill them, because he which may do the greater*

ter, may do the leſſe; a man can vnderſtand, and therefore he can ſly; a priuate Prieſt may abſolue from ſinnes, & therfore from debts; he may by the force of the Sacraments giue the heauenly Kingdome, and therefore he may alſo giue an earthly: an non pulchra huiuſmodi argumenta &c. *and are not theſe, and ſuch like goodly arguments to perſwade Engliſh Catholikes prodigally to caſt away all their goodes, and to deny their fidelity to their Prince?* Thus ſayth he, ſcoffing and cogging as you ſee, and ſhewing his malice no leſſe then before.

2. But how ſincerely and truly he alledgeth the argument of *Leſſius* I know not, for I haue not his booke, neyther did I euer reade it, and I make no doubt, but if it had bene layed downe, togeather with the circumſtances thereof, it would haue beene cleare inough of it ſelfe, and not haue needed any defence or explication of myne. And truly though it were as bare, and naked as he makes it, yet the conſequence would be good and ſound for ought he ſayth againſt it, ſeeing he ſayth nothing in effect, but that which may be vrged in like manner againſt the Apoſtle *S. Paul* for the like argument, in his Epiſtle to the *Corinthians*; where commaunding them to conſtitute, & appoint iudges amongſt themſelues to decide their controuerſyes, he ſayd, *Neſcitis quoniam angelos iudicabimus, quantò magis ſæcularia?* do you not know, that we ſhall iudge Angells, and how much more ſecular thinges? as who would ſay, ſeeing we haue the greater and more eminent power, haue we not alſo the leſſe? if we haue power ouer ſpirituall things, haue we not alſo power ouer temporall or ſecular things? Thus argued the Apoſtle, vpon the ſame ground that *Leſſius* doth, to wit, vpon this prin-

ciple, *qui potest maius, potest etiam minus.*

3. And now, will this graue Sophister scoffe at the Apostles argument, and say, that he might haue as well concluded, that *qui potest intelligere, potest volare*, he which can vnderstand can fly? for what can be more different in kind, and nature, then Angells and secular things? and yet neuertheless the Apostle proued soundly by an argument *à maiori ad minus*, that the Church might ordayne and dispose of secular iudgments, because it had a greater power to iudge of Angells; and the reason that moued him therto, was the same that moued *Lessius*, to wit, the subordination of secular and temporall things to spirituall: for albeit spirituall and temporall thinges are of different kind and order, being considered in their owne natures; yet if they be respected as they are conioyned in one Ecclesiasticall, or mysticall body, and referred to one last end (which is Gods seruice and glory) they are subordinat the one to the other, and therefore are not of diuers orders in that respect.

4. And if he graunt not this, how will he make good his owne former graunt, that the Pope hath power to command corporall, and temporall things, *quatenus spiritualibus deseruiunt*, so farre forth as they serue spirituall thinges? doth he not therin acknowledge this subordination, and thereupon grant that power in the Pope, as a consequent of his spirituall power? Why then doth he deny the argument of *Lessius*, grounded vpon the same consideration, seeing he argueth *à maiori ad minus*, concerning things subordinat one to another? as who would say, that forasmuch as spirituall things are superior in order

and

and dignity to temporall things, and all of them principally ordayned and referred to Gods glory and ſeruice, therefore he that hath ſupreme power ouer the ſpirituall (which is the greater and higher) hath power alſo ouer the temporall (which is the leſſe and inferiour) to diſpoſe thereof, as ſhall be requiſit for Gods glory, and ſeruice, wherto both ſpirituall and temporall things are ordayned.

5. Whereupon it alſo followeth, that the Pope hauing power to excomunicate Kinges, may depoſe them, as well, becauſe the power to excommunicate is greater then the power to depoſe, as alſo becauſe the temporall ſtate whereof the Pope depriueth the Prince, is ordayned to ſerue the ſpirituall, and therfore to be diſpoſed by the ſupreme ſpirituall Paſtor, ſo farre forth as ſhalbe neceſſary for Gods ſeruice, and the good of the Church. So that, you ſee, the argument of *Leſſius* (if he made any ſuch) hath a good conſequence.

6. This then being ſo; let vs examine a litle, what goodly arguments he hath made to confront with the former, to diſcouer the abſurdity which he ſuppoſeth therein; the firſt is; *poteſt Papa reges excommunicare, ergo occidere*, the Pope may excommunicat Kings, and therefore he may kill them; whereto I anſwere, as I did to the like before, that he bewrayeth heerin his malice, ſeeking to draw vs to a moſt odious queſtion, ſuppoſing, as it ſeemeth, and maſitiouſly inſinuating, that we hold and teach, that the Pope hauing excommunicated, and depoſed a King, may murther him, or cauſe him to be murthered, and that ſome Popes haue practiſed the ſame (as ſome ſhamleſſe Sectaries haue impudently affir-

med) wherein he ſheweth his good affection to Catholike Religion, and the reuerend reſpect he beareth to the Sea Apoſtolike.

7. But, if he vnderſtand nothing els by the word *occidere*, but to take away the life of a delinquent by lawfull meanes, I haue anſwered him already, that if he make the caſe his owne (for with Princes liues I will not meddle) I make no doubt, but the Pope hath power ouer his life: and therefore I alſo ſay further now, concerning the argument whereof we treate, that the conſequence thereof is good in him, and ſuch as he; for ſeeing that it is a greater power to take away the life of the ſoule by *excommunication*, then of the body by temporal death; it followeth, that the ſupreme Paſtor hauing the greater power, hath the leſſe, by reaſon of the ſubordination of the body to the ſoule, and his ſupreme power to diſpoſe of the body for the good of the ſoule, and the publike benefit of the Church. And thus much for this point.

8. His ſecond argument is, *Poteſt homo intelligere, ergo poteſt volare*, a man may vnderſtand, and therfore he may fly. But who ſeeth not the diſparity, and his abſurdity therin? for what dependance, ſubordination, or connexion can be imagined betwixt vnderſtanding & flying? wheras he himſelfe graũteth a ſubordination of temporall things to ſpirituall, and therfore is alſo forced, as you haue heard, to acknowledge a power in the Pope to commaund temporall things in order to ſpiritual, wherby he cõuinceth himſelfe of extreme folly, in framing this argument that hath no affinity with the other.

9. The third is, *poteſt ſacerdos priuatus &c. A priuate Prieſt may abſolue from ſinnes, and conſequently from debts,*

debts. Where you see he altereth the case, in making his instance in priuate Priests, whose power is much limited, when the argument which he impugneth, speaketh of the Pope, who is the supreme spirituall Pastour, and hath *plenitudinem potestatis*, a plenitude or fulnes of power; and therfore albeit we teach that the Pope may excommunicate and depose a Prince, yet no man houldeth that a priuate Priest can do either of both, yea and we see that in the great Councel of *Lateran*(where the deposition of Princes was ordayned to be practised in some cases) the sentence of their deposition was reserued to the Pope himselfe, though the Metropolitans might excommunicate them.

10. Besides that, it is to be considered concerning the absolution of sinnes, and debts, that as neyther Priest, nor Pope can absolue from sinnes in all cases (as when the sinner is not penitent, or will not make restitution of fame, or goodes, when he may conueniently do it) so may the Pope absolue from debts in some cases, for the very same reason, and in the same case that he may depose a Prince, to wit, for the iust punishment of an offender, when the same shall be very necessary for the benefit of the whole Church; for in such a case all priuate respects of temporall good, or harme, ought to yield to the common good of soules, and the publike weale of the Church; as in like manner al ciuil obligations cease, when they are encountred, & ouerwayghed with the consideration of some great benefit or inconuenience to the whole Common-wealth, for which respect the tẽporal Prince might in such a case iustly ordayne that a debter should be discharged in law from the

payment of his debt, wherby the ſaid debter ſhould be alſo diſcharged in conſcience.

11. And much more may the ſupreme ſpirituall Paſtour of the Church diſcharge a man from all obligation in conſcience to pay a debt, when the ſame ſhallbe neceſſary for the ſpirituall good, and publike benefit of the Church, wherto all temporall things ought to yield; ſo as the Pope may in ſome caſes abſolue from debts, as well as from ſinnes; and when he cannot, the reaſon is ſuch, as doth nothing derogate from his ſupreme authority, and power, to depoſe Princes; and therfore this argument of my aduerſary is as impertinent as the former.

12. His fourth and laſt argument is: *Poteſt vi Sacramentorum &c. A Prieſt may by the force of the Sacraments giue the heauenly Kingdome, and therfore he may giue an earthly.* Wherto I anſwere as before, that he changeth the ſtate of the queſtion, transferring it from the Pope to a priuate Prieſt; for albeit this argument houldeth not in priuate Prieſts, yet it is good in the Pope, if we change the conſideration of the force of the Sacraments (wherto my aduerſary aſcribeth the Popes power) to the *plenitude of Power*, by the vertue wherof the Pope hath a ſupreme authority, and therfore the argument would be good thus; *poteſt Papa per plenitudinem poteſtatis &c. the Pope may by the plenitude of his power, giue the heauenly Kingdome; and therfore he may giue an earthly*; for the latter being a neceſſary conſequent of the former, is neceſſarily comprehended in it; becauſe the Pope by the plenitude of his power hath as much authority, and iuriſdiction, as is neceſſary for the gouernment and good of the Church.

13. Wher-

13. Whereupon it followeth, that whensoeuer it shall be absolutely necessary and behouefull for the Church that he change or transferre a Kingdome or Empyre, he may do it, and giue not only the Kingly or Imperiall title, but also the right to the crowne, as *Leo* the third Pope of that name gaue to (b) *Charles* the great the Empire of the West; which was acknowledged by the Greeke Emperours themselues to be the Popes gift; and therefore *Emanuel* (c) *Comnenus* Emperour of *Constantinople* in the time of *Frederick* the first, vnderstanding of the dissention betwixt him and Pope *Alexander* the third, sent Ambassours to the Pope, and offered him not only a great army, with great summes of mony, but also to reunite the Greeke Church with the Latin, if he would restore that Empire of the West to the Emperours of *Constantinople*. In like manner the second translation of the West Empire from the French (that is to say from the family of *Charles* the great vnto the *Germans*) was made especially by the authority of the sea Apostolike; as (d) Cardinall *Bellarmine* proueth cleerly in his treatise of the Translation of the Empire.

14. We read also, that *Clodoueus* (f) the first Christian King of France, being desirous after his baptisme to make good and establish his right and tytle to that Kingdome, professed to receiue the same from the handes of the Archbishop of *Rhemes* by authority and commission of the sea Apostolike. Also when *Boleslaus* King of *Polonia* (g) had killed the holy Bishop *Stanislaus*, Pope *Gregory* the 7. did not only excommunicate and depose him, but also commaunded the Bishops of that realme, that they should not annoint and crowne any King of *Polonia*, without

(b) *Eginhar. in vita Caroli. Anal. reg. Fran. an. 801. Paul. Diacon. lib. 23. Zonar. to 3. Anal. Cedren. in vita Constant. & Iren.*

(c) *Blond. Dec. 2. li. 5. Platina in Alexandro 3. Nauclerus gener. 39. pag. 848.*

(d) *lib. 2. cap. 2. & 3*

(f) *Papyrius Masso in vita Henrici 1. See Bozius de sig. Eccl. lib. 10. c. 12.*

(g) *Martin. Cromer. lib. rer. Polon. in fine. Item Ioan Fistor. in genealog. Reg. Polon.*

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out his expresse leaue, and order, whereby he that succeeded *Boleslaus* had but the tytle of Duke, which remayned also to his successors for the space of 215. yeares. So as this matter is cleare, not only in reason, but also in practise, and so hath beene for many ages, wherby it appeareth that the Pope may giue as well the earthly, as the heauenly Kingdome for the good of the Church, by the same reason, and power, that he may depriue Princes of their states, when they deserue it, and the good of the Church requireth it.

15. And thus thou seest, *good Reader*, how probably this man hath impugned the argument of *Lessius*, seeing that of fower arguments that he hath scoffingly framed to counterfait the same, and to proue a bad consequence therein, there is not any one to his purpose, and some of them being truly vnderstood, and vrged according to the true state of the question (which he hath changed in them) do make directly for vs; so that his scoffes do fall vpon none but himselfe, and his owne ridiculous arguments, and therfore, whereas he concludeth them with a gybing demaund, asking, Whether these, *and the like are not goodly arguments to perswade the English Catholikes to cast away prodigally their goodes, and to deny their fidelity to their Prince?* I may with much more reason demaund of him, Whether these, and such other answers and arguments of his, are not goodly-ons to moue the English *Catholikes* to be so prodigall of their soules, as to cast them away vpon his word, by denying fidelity, and obedience to their spirituall Pastour, who hath the charge of their soules.

vbi supra.

16. But it seemeth, that his mind and hand is altogea-

togeather vpon his halfe-peny (as the prouerbe speaketh) seeing that he hath so great care of the Catholiks goods, and so litle of their soules, that he would haue them venter & hazard their eternall saluation to saue their temporall goodes: but I hope, God will inspire them to be wyser, and alwayes to remember this goulden sentence of our saviour, *quid prodest Homini &c. what doth it profit a man to gaine all the world if he loose his soule?* *Marc. 8. Luc. 9.*

ADVERTISEMENT

THE

THE ADVERSARIES INTERPRETATION

of a clause of the Oath (wherein the doctrine of the Popes power to depose Princes is abiured, as Impious & Hereticall) *is proued to be absurd, according to his owne groundes; & that it cannot without periury be sworne by any Catholike, nor yet by him, or by such as maynt aine his doctrine..*

CHAP. IIII.

MY Aduersary hauing for a while made himself somewhat merry with *F. Lessius*, as you haue heard, falleth againe very foule vpon me, charging me with flat falsity at the first word, saying : *Tertiò falsum est, quod asserit hic auctor &c. Thirdly it is false which this author affirmeth, to wit, that the doctrine concerning the Popes power to depose Princes, is manifestly abiured in this Oath, as impious and hereticall; for this doctrine only*

vbi supra num. 16.

is

is abiured in the Oath, as impious and hereticall; that Princes being excommunicated or depriued by the Pope may be deposed or killed by their subiects; or any other: which positiō, as I shew afterwards, hath this sense, that it may be in the free power of the subiects to depose, or if they will to kill Princes excōmunicated, or depriued by the Pope; & therfore it may worthily be abiured as hereticall. So he; charging me to haue falsely affirmed, that the doctrine of the Popes power to depose Princes, is manyfestly abiured in the Oath, as *hereticall*; but how truly he chargeth me with falsity, it will easily appeare by my owne wordes in my *Supplement*. Where I say nothing at all touching my opinion, whether the doctrine of deposing Princes be abiured in the Oath, *as impious*, or *hereticall* (and much lesse do I affirme, that it is manifestly abiured, as he layth I do) but I affirme only that the Oath is wholy repugnant to a *Canon* of the great Councell of *Lateran*, by reason of two clauses therein. My wordes are these. cap. 5. sect. 2:

2. Fourthly it appeareth also heerby, and by all the premises, that this Oath of pretended Allegiance is an vnlawfull Oath, and not to be taken by any Christian man, seeing that it flatly contradicteth the sayd Councell and Canon, not only, because it denyeth, that the Pope hath *any power or authority to depose his Maiesty, or to discharg any of his subiects of their Allegiance, and obedience to his maiesty*, but also because it bindeth the takers of it in expresse words to sweare thus: *And I doe further sweare, that I do from my heart abhor, detest, and abiure, as impious and hereticall, this damnable doctrine, and position, that Princes excommunicated or depriued by the Pope, may be deposed*; which position was by that Canon expresly ordayned to be *See Supplement cap. 2. num. 75. pag. 109.*

» practised in some cases; yea & executed by the Cou-
» cells order vpon *Reymona* Earle of *Tolosa*. Thus say
I, in my Supplement.

3. Now I report me to the indifferent Reader, whether I affirme any more heere thē that these two clauses of the Oath are flatly against the Councell of *Lateran*, because the Popes power to depose Princes (which the said Councell acknowledgeth and approueth by an expresse Canon) is denyed therein; and this is manifest, as well by all my precedent discourse, as by that which followeth: for all that which I amply debated before touching the Councell of *Lateran*, concerned only the Popes power to depose Princes, without any one word whether the abiuration or denyall thereof be *heretical*: and my conclusion of the later clause confirmeth the same, for I add immediatly these words: *which position (to wit, that Princes being excommunicated or deprued by the Pope, may be deposed) was by that Canon expressly ordained to be practised in some cases; yea, and was executed by the Councells order vpon Reymond Earle of Tolosa.*

4. Whereby it appeareth that whereas the clause mentioneth two thinges: the one, the doctrine and position, *that Princes excommunicated, or deprued by the Pope, may be deposed*, and the other, that the said doctrine is abiured *as impious and hereticall*, I treat only of the former, and speake not one word of the later. So as my aduersary charging me to haue *falsly affirmed, that the Popes power to depose Princes is manifestly abiured in the Oath*, hath charged me falsly, and therefore may take his imputation of falsity to himselfe.

5. Ne-

5. Nethertheles I would not haue him to think, that becauſe I deny, that I haue ſaid ſo in my *Supplement* therefore I do or will deny that it is ſo for it is euident in that clauſe that the taker of the Oath abiureth this doctrine *as impious and heretical* to wit, that Princes excommunicated or depriued by the Pope may be depoſed, or murthered by their ſubiects or any other, whereby not only the Popes power to depoſe Princes is denyed, but alſo the doctrine therof is abiured, *as impious and heretical*: and this, I ſay, is euident, notwithſtanding the friuolous euaſion which my Aduerſary ſeeketh by his extrauagant interpretation of that clauſe, when he ſayth, as you haue heard, that the ſenſe and meaning thereof is no other, but that it is *heretical to affirme it to be in the free power of the ſubiects or any other, to depoſe, or if they liſt to kill Princes that are excommunicated, or depriued by the Pope.*

6. Wherby he giueth to vnderſtand that the doctrine and poſition abiured in that clauſe contayneth two members, the one, concerning the *depoſition of Princes*, and the other concerning the *murther of them*: and that it is abiured as *heretical* in reſpect of the later only, as who would ſay, that it is an heretical doctrine to teach or affirme, that Princes excommunicated by the Pope may be murthered ſo that albeit there be mention alſo of the *depoſition* of Princes (as that they may be *depoſed or murthered*) yet the doctrine of *depoſition* is not abiured in that clauſe as *heretical*, except it be ioyned with the murther of them, in ſuch ſort that a man may freely chooſe whether he will depoſe or murther them.

7. This, I say, must needs be his meaning, which he explicateth further afterwards (d) in his *Theologicall Disputatiō*, where taking vpon him to answere *Lessius*, *Capell°*, & the author of a dialogue intituled, *The iudgment of Protestantisme and Puritanisme* (who impugne that clause of the Oath, because the doctrine of the *deposition* of Princes excommunicated or depriued by the Pope, is abiured therin as *heretical*) he answereth them two wayes; his first answer (which he calleth *potissimam responsionem*, the best answer) is, that albeit the proposition in that clause, seeme to be *disiunctiue* (by reason of the word, *Or*) *in deposed, or murthered; yet according to the common sense of the words, and the nature of the English prhase, it is equiualent to a copulatiue proposition*. So as his meaning is, that the coniunction disiunctiue (OR) hath the nature and force of (*And*) in the wordes *deposed or murthered*; and that therfore the sense is no other, then if the words were *deposed, and murthered*, as he layth Cadinall *Bellarmine*, and *Capellus* haue it in their Latin translation, where we read *deponi & occidi*.

(d) *Cap. 5 sect. 2. nu. 8. pag. 112.*

8. And for the proofe of it, at least the probability of this his deuyse, he obserueth the like manner and phrase of speach in the Lawes, where the Coniunctiō *Disiunctiua* (*OR*) is somtimes vsed for the *copulatiue* (*And*) as also (*And*) for (*OR*) yea he addeth further that although it should be graunted that the proposition is *disiunctiue*, yet the same would make nothing against him, because it is not absolutely (c) *disiunctiue* but *conditionall*, that is to say, such as signifieth a free election of the will, or free power to choose whether part of the *disiunction* we think good: and this, saith he, will most euidently appeare, if we duly and attē-

L. Sæpe. ff de verborum significatione. Felin. in cap. Inter ceteras. extra. de rescriptis.

(c) *Ibid. nu. 10. pag. 114.*

tiuely

tiuely consider the proper, and vsuall signification of the English word (f) *May*, when it goeth before the *disiunctiue coniunction (OR)* as for example, *thou mayst remayne heere, or there, drinke, or eate, by wine or oyle &c.* (f) *Ibid. pag. 115.*

9. And to these he addeth also many other examples out of our Lawes, filling therwith two pages, and often interposing many English wordes, as *thou mayst, the King may, he may*, and such lyke, to the end that strangers who vnderstand not our tongue, may thinke, that there is some greater mystery in the matter then they can penetrate, for lack of the knowledg of our language: yea he telleth them plainly, that the *Latin version or translation of the Oath doth not sufficiẽtly expresse the sense of the English word (May) as it is contayned in the Oath, except eyther the copulatiue coniunctiõ (And) be substituted in the place of the disiunctiue (OR) or els that the cõdition of a mans free will, or election to choose whether part of the disiunction he list, be vnderstood therby, in such sort, that the sense may be this; that Princes excommunicated or deprived by the Pope, may be deposed by their subiects, or murthered if they will.* *num. 15. pag. 119.*

10. Thus saith he, contending *de lana caprina*, and labouring in vayne to proue that the English word (*May*) in a disiunctiue proposition, implyeth a freedome of election to choose whether part we list of the disiunction, wherein also by the way he abuseth strangers, in seeking to perswade them, that the Latin word *possunt*, in the Latin translation of the Oath, doth not sufficiently expresse the nature of the English word (*May*) in this clause, *Principes per Papam excommunicati, vel priuati, possunt per suos subditos aut quoscunq; alios, deponi, aut occidi*, that Princes excommunicated

municated, or depriued by the Pope, *may* be deposed, or murthered by their subiects, or any other. For wheras the great mistery of (*may*) is no other, as he himself expoundeth it, but that it signifieth in that clause a *morall*, or lawfull & not a *physical*, or *naturall* power, who is so senseless, if he be a Latinist, that doth not vnderstand as much by the word *possunt* in the Latin translation of that clause, I meane, that it signifieth a *moral*, and not a *natural* power. Yea, and that according to the *axiome* of the Law, *Hoc possumus, quod iure possumus*: We may do that which we may lawfully doe? To what purpose then doth he abuse his Latin Reader, with such a long and impertinent discourse, as he maketh there, touching the difference betwixt *possunt* in Latin, & *may* in English, as if in this case, and question, there were some great diuersity.

11. But let vs see what he proueth by all this. He hath tould vs, that the *coniunction disiunctiue* (*Or*) is taken sometymes for the *copulatiue* (*And*) especially when it followeth the word (*may*) because then the proposition is not absolutely *disiunctiue*, but *conditionall*, including a free election of eyther part of the *disiunction*, wherof he alledgeth some examples out of the Fathers, yea out of Cardinall *Baronius* himself; but what is this to the purpose? will he say, that because (*Or*) is vsed in those places for (*And*) *ergo* it is alwayes so vsed? me thinkes he should be ashamed so to argue, for besides that his argument would be most vicious, he might be conuinced by infinite examples of propositions, wherein the *disiunctiue coniunction*, *OR*, is not taken for the *copulatiue* (*And*) although the verbe (*may*) goeth before it, yea though there be also

free-

freedome of election to chooſe eyther part of the *diſiunction*, as if we ſhould ſay, It is *impious and heretical to hould, that God may be denyed, or blaſphemed by his creatures. It is not lawfull to teach that a Prieſt may eate, or drinke before he ſay miſſe. It is folly for a man to think that he may trauel by ſea or land, without money. It is a ſhame for a ſouldier to ſay, that he may yield or fly vpon ſmall occaſion.*

12. In theſe and infinite other ſuch propoſitions (which might be added if it were needfull) *OR*, is not takē for (*And*) but is an abſolute *diſiunctiue coniunctiō*, notwithſtanding that (*may*) goeth before it, and that there is alſo free election to chooſe whether part of the *diſiunction* a man will, yea (which is ſpecially to be obſerued for our purpoſe) whatſoeuer is affirmed of the one part, is alſo affirmed of the other; as for example, it is *impious and hereticall*, whetherſoeuer a man hould that God *may be denyed or blaſphemed*; it is as *vnlawfull to teach*, that a Prieſt *may drinke*, as that *he may eate* before he ſay Maſſe; it is *no leſſe folly to thinke*, that a man *may trauell by ſea, then by land*, without many; it is *no leſſe ſhame for a ſouldier* to ſay, that he *may yield, then that he may fly vpon ſmall occaſion*: and the very like we ſay alſo of the propoſition now in queſtion, to wit, that (*OR*) in the wordes *depoſed, or murthered*, is no *copulatiue*, but a meere *diſiunctiue coniunctiō*, and that the doctrine of depoſing Princes is abiured therein as *impious and hereticall*, no leſſe then the doctrine of *murthering them*, notwithſtāding that the word (*may*) doth goe before (*OR*) and that a man may chooſe whether part he will of the *diſiunction*.

13. So as you ſee, that neyther his examples of

propoſitions, wherin the *diſiunctiue* is taken for the *copulatiue*, nor his diſtinction of abſolute *diſiunctiues* and *conditional* do proue any more, but that ſomtimes (*OR*) is taken for (*And*), & that in ſome *diſiunctiue propoſitions* (wherin the word (*may*) goeth before (*Or*) the affirmation is not referred alike to both partes of the *diſiunction*; and therfore againſt vs he hath proued nothing at all, except he can make good this inferēce: It is ſometimes ſo, *ergo*, it is alwayes ſo; which I am ſure, he will not ſay for ſhame. And as for the Latin tranſlation of the Oath in Cardinall *Bellarmine*, and *Cappellus*, in the which we read *deponi & occidi* (where the *coniunction copulatiue* (*And*) is vſed for the *diſiunctiue* (*Or*) it litle importeth, for that it was an errour of him that tranſlated the ſame out of the Engliſh, which they vnderſtood not, and therfore muſt needs take it, as it was giuen them.

14. But to cleare all this difficulty, and to make it manifeſt, that the doctrine of the depoſition of Princes is abiured in the Oath as *impious and hereticall*, no leſſe then the ſuppoſed doctrine of murthering them; I ſhall need no further teſtimony or proofe therof, then ſuch as may be taken from the Oath it ſelfe, conſidered euen according to thoſe rules, which he himſelfe hath laid downe for the interpretation of it, in the very firſt Chapter of his (b) *Theologicall diſputation*, where he profeſſeth to approue and follow the doctrine of (c) *Suarez* in that point, as being conforme to the common opinion of Lawyers and Deuines Now then he teacheth there out of *Suarez*, that if there be any doubt, or queſtion cōcerning the ſenſe of a law, or any part therof, three things are ſpecially to be pondered for the expoſition of it, to wit, the

(b) nu. 7.

(c) *Suar. lib. 6. de leg. cap. 1.*

the *wordes of the Law*, *the mind, or intention of the law-maker*, *& the reason, or end of the Law*: and the ſame he ſaith, are alſo to be conſidered for the clearing of any difficulty, or doubt in the Oath.

15 As for the wordes of the Law (and conſequently of the Oath) he ſaith, that they are to be vnderſtood according to their proper and vſuall ſignification; and the reaſon is, ſaith *Suarez*, becauſe wordes are ſo to be vſed in common ſpeach, and much more in Lawes, which ought to be cleare; but it is euident that the wordes of the clauſe now in queſtion, being taken in their vſual, and proper ſignification, do make clearly for vs, wherin I dare boldly appeale to the iudgment of any diſcreet reader; for, abeit ſuch a ſenſe as this man imagineth may be piked, or rather wringed out of thoſe words, yet no man at the firſt ſight, will, or can reaſonably conceaue any thing els therby, but that eyther part of that *diſiunctiue* clauſe is abiured alyke.

16. For although the coniunction *OR*) is ſomtimes taken for a *copulatiue*, yet it is commonly a *diſiunctiue*, and hath that ſignification diuers times euen in this Oath, as any man may ſee that liſt to obſerue it; as for example (to omit all the reſt which might be vrged to this purpoſe) the very next wordes before *depoſed, or murthered*, are *excommunicated or depriued*, wherin it is cleare, that *OR*) hath the ordinary and proper ſignification of a *diſiunctiue*, giuing to vnderſtand that whether Princes be only *excommunicated*, or *depriued* alſo of their right to their ſtates, by the Pope, it is *impious* & *heretical* doctrine to teach, that they may be eyther *depoſed* or *murthered*. Alſo the ſame is to be noted in the wordes immedi-

atly following, to wit, *by their ſubiects, or any other*; wherin it is ſignified, that neyther *ſubiects*, nor yet *any other*, may *depoſe or murther* Princes excommunicated or depriued by the Pope; and the like may be exemplified in the other clauſes of the Oath, at leaſt thirty tymes, for ſo often do I find the coniunction (*OR*) therin & alwaies vſed properly for a *diſiunctiue*, as alſo, I dare ſay, it is vſed in like manner, & in the ſame ſenſe aboue a hũdred tymes in the ſame Statut.

17. And if my aduerſary do heere fly to his former ſhift, and ſay, that in the other clauſes (*OR*) is an abſolute *diſiunctiue*, & that in the words *depoſed, or murthered* it is *cõditionall*, becauſe the verb (*may*) going before it, doth denote or ſignify a free election, to chooſe eyther part, he is to vnderſtand, that the ſame may alſo be ſayd of other clauſes in the Oath, wherin neuertheles it is manifeſt, that (*or*) is a pure *diſiũctiue*, & that whatſoeuer is affirmed of one part of the *diſiunction*, is alſo affirmed of the other: as for example, the Oath byndeth the takers thereof, to ſweare that the *Pope hath no power, or authority to depoſe the King*, which is as much in effect, as that the Pope may not lawfully do it: therefore let vs make the propoſition ſo, and lay it downe with the other *diſiunctiue* clauſes which follow immediatly; and to make the whole, lyke to the cauſe that is now in queſtion, let vs conceiue it thus.

18. *I abiure this doctrine as falſe, that the Pope may depoſe the King, OR diſpoſe of any his Maieſties Kingdomes, or dominions; OR authorize any forrayne Prince to inuade or annoy him; OR diſcharge any of his ſubiects of their allegiance and obedience to his Maieſty; OR giue lycence to any of them to beare armes, rayſe tumultes,*

insultes, or to offer any violence, or hurt to his Maiesties Royall person &c.

19. Heere now it cannot be denyed that (*OR*) is *disiunctiue* in all these seuerall sẽtences in such sort, that which of thẽ soeuer any man doth teach, he teacheth (according to the intent of this Oath) a false doctrine notwithstãding that the word (*may*) goeth before (*OR*) and implieth a free electiõ to choose any one of thẽ: in so much that if a man should say only, that the Pope may authorize a forrayne Prince to inuade his Maiesty, he is condemned by the Oath, to speak no lesse vntruly then if he should say, that the Pope may depose his Maiesty, or giue lycence to any to offer violence to his person.

20. Therefore if my aduersary apply the wordes *impious and heretical*, in the other clause, to the doctrin of *murthering* only, and not also to the doctrine of deposing Princes, why may not he, or any man els do the like in the foresayd example, and affirme that the last member and part thereof (which denyeth the Popes power to giue licence to offer violence to his Maiesties person) is only abiured as false, whereby the former parts, or clauses concerning the Popes power *to depose his Maiesty*, or to *dispose of his Kingdomes, or to giue licence to forrayne Princes to inuade, or annoy him* (which are principall points of the Oath) would be superfluous, and to no purpose. So as it is manifest, that the wordes of the Oath, *deposed, or murthered* being considered according to their proper, and vsuall signification in the clause where they are, and compared also with the other clauses parts, and circumstances of the Oath, cannot admit the interpretation of my aduersary, who applyeth the note of

hereſy only to the *murther*, and not alſo to the *depoſition* of Princes: thus much concerning the wordes of the Law, and Oath.

21. As for his Maieſtyes meaning, or intention in that clauſe (which was the ſecond rule aſſigned for the interpretation of the Oath) the ſame (according to the doctrine of *Suarez* which my aduerſary approueth) is to be gathered principally by the wordes, and which (as you haue ſeene, being to be taken in their proper, & common ſenſe, do ſhew that his Maieſtyes meaning was no other, but to ordayne the abiuration of both parts of that clauſe alyke, that is to ſay, as truly *impious, and heretical*.

22. Whereto I adde, that if it be well conſidered what reaſon my aduerſary hath to condemne the forſayd doctrine, as truly *heretical*, in reſpect of one part of the clauſe, (to wit, that part which concerneth violent attempts vpon the perſons of Princes) it will eaſily appeare that his Maieſty pretendeth as much, if not more reaſon to condemne it in like manner in regard of the other part, which concerneth the *depoſition of Princes*; for, whereas my Aduerſary hath no other reaſon for his conceit but becauſe he thinketh that all doctrine preiudiciall to the liues of Princes is repugnant to the holy Scriptures (whereby he conſequently holdeth it for *heretical*) his Maieſty is perſwaded alſo that he hath the ſame reaſon to condemne the doctrine of the Popes power to depoſe Princes for *heretical*; as it may euidently appeare by the manyfold places, and texts of Scriptures, which he alledgeth for the proof of his owne Eccleſiaſticall primacy, and the obligation of his ſubiects to yield him ciuill obedience, whereupon he groun-

See Apology for the Oath fol. 195. & ſeq.

deth

deth the lawfullnes of the Oath, and the abiuration of the doctrine condemned therein.

23. And therefore omitting to examine how well the Scriptures alledged by his Maiesty, serue for the proofe of the matter in question, as also to note, how impertinently my Aduersary applyeth the precept *Non occides* to his purpose, by occasion of the word (*murther*) in the Oath, which precept being indeed vnderstood of *murther*, & cõsequently implying alwayes an vnlawful act, yea a mortall sinne, was neuer held by any to be lawfull, and therefore doth not in that sort, and sense belong to our question, as my Aduersary knoweth well inough) but omitting, I say, to speake further of this, that which heere I affirme is, that his Maiesty alledgeth much more Scripture to condemne the doctrine touching the deposition of Princes, then my Aduersary doth for the condemnation of violent attemps against their persons; wherby it is manifest, that he hath no reason to say, that his Maiesty meant, that the later part of that clause should be abiured, as *heretical*, and not the former, especially seeing that the expresse wordes of the Oath, according to their most vsuall, and proper signification) togeather with the circumstances therof do proue both alyke, as it appeareth by the premisses. And this I hope may suffice for the confutation of his first, and best answere.

24. His other answere is, that the aduerb (*As*) in the words, *as impious, and heretical*, and *sicut*, or *tamquam* in the latin translation of that clause, do not alway signify a reality, or yet *equality*, but sometymes a *similitude*, as Cardinall *Bellarmine* himselfe obser- *Bellar. lib. 2. de Concil. cap. 32.*

obſerueth in his Cõtrouerſyes: and it may be exemplified not only out of *S. Gregory* (who ſayth that he receiueth the foure firſt Councells, *ſicut quatuor libros Sancti Euangelij*, as the 4. bookes of the holy Ghoſpell) but alſo out of the holy Scripture, where our Sauiour ſayth, *Be yee perfect, ſicut Pater veſter cæleſti perfectus eſt*, as your heauenly father is perfect. Matth. 5. Beſides that, the ſame may be confirmed, ſaith my Aduerſary, by the common manner, and phraſe of ſpeach, ſeeing that we do commonly ſay, *I deteſt him as the Diuell: I loue him as my brother*. And heerupon he concludeth, that the aduerb (*As*) in Engliſh, and (*ſicut*) in Latin in the words, *as Impious, and Hereticall*, may ſignify ſome *ſimilitude*, as that the doctrine of the depoſition of Princes by their ſubiects, or others, in excution of the Popes ſentence, is to be deteſted, and abiured, as though it were *hereticall*, and not becauſe it is indeed *hereticall*.

25. This is his ſecond anſwere in effect, which is ſufficiently confuted already *by the wordes of the Law*, or Oath, which, as I haue ſignifyed, ought to be taken, and vnderſtood in their moſt proper, and cleare ſenſe; in which reſpect the *Aduerb* (*As*) being ioyned to *impious*, and *hereticall*, muſt needes denote, and ſignify, not a ſimilitude nor yet an *equality* (by the way of compariſon) but a reality of *impiety*, and *hereſy* in that doctrine, for ſo, no doubt, doth euery man take it that readeth the ſayd clauſe.

26. Beſides that, this difference may be noted betwixt the examples which my Aduerſary giueth, and this clauſe of the Oath, that in the examples (to wit, *I loue him as my brother*, and, *I hate him as the Diuell*, and ſuch lyke, the word (*As*) hath relation

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to two diuers ſubiects, and therefore muſt needes be vnderſtood *comparatiuely*, wheras in the claule of the Oath, there is ſpeach only of one ſubiect, (to wit of the doctrine) and *hereticall* being an *adiectiue*, is affirmed alſo for the ſayd doctrine, as *predicatum de ſubiecto*, and therefore the word (*As*) being referred to *hereticall*, which is affirmed of the Doctrine only, cannot be vnderſtood *comparatiuely*, (as it is in the examples, where there are two different ſubiects) but muſt needes denote a *reality* of *hereſy* in the doctrine.

27. Furthermore it is euident that the Aduerbe (*A*) being conſidered as it is ioyned with the word *impious*, doth clearly imply the reality wherof I ſpeak, ſignifying that the ſaid doctrine is *truly impious*, and wicked, and not only to be eſteemed ſo, by the way of *ſimilitude* or *compariſon*, as it is manifeſt by the words before, and after, which are, *I do from my hart abhorre, deteſt, and abiure as impious and hereticall, this damnable doctrine &c.* Wherby it is cleare, that his Maieſties meaning was to cauſe the takers of this Oath to condemne that doctrine, to be *truly impious*, ſeeing that he will haue them to ſweare that they *abhorre and deteſt it from their hart*, and calleth it alſo a *damnable doctrine*.

28. And this being ſo, I would gladly know of my Aduerſary, what reaſon he can haue to take the aduerb (*As*) in one ſenſe as it is referred to *hereticall*, and in another as it is ioyned with *impious*, ſeeing that it is referred to both alyke with a *copulatiue coniunction*, the one immediatly following the other; will he ſay, that it is to be taken *properly* in the one, and *improperly* in the other? How can that ſtand with his

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former rules out of *Suarez*, touching the cleare and perſpicuous ſenſe which is required in Lawes and Oathes (eſpecially in this Oath) wherein there is an expreſſe clauſe afterwards to exclude all *equiuocation*? therfore he muſt needes graunt, that if the doctrine be abiured as *truly impious*, it is alſo abiured as *truly hereticall*; or els he muſt make ſuch a *gallimaufre*, as was neuer made in any Law, or Oath, within the compaſſe of fower wordes only.

29. Now then vpon theſe premiſes I will draw 4 concluſions; firſt, that wheras he chargeth me to haue affirmed *falſly that the doctrine of the Popes power to depoſe Princes, is manifeſtly abiured in the Oath, as impious and hereticall*, he hath charged me *falſly* in two reſpects; the one, becauſe I affirmed no ſuch thing, & the other, for that albeit I had ſaid ſo, yet I had ſaid truly, as it euidētly appeareth, not only by the plaine words, ſubſtāce, and circumſtances of the Oath, but alſo by his Maieſties meaning and intention therin.

30. Secondly it appeareth, how different this mans doctrine & beliefe cōcerning the Popes power to depoſe Princes, is from his Maieſties, yea from the whole ſubſtance of the Oath, ſeeing that according to his (I meane my Aduerſaries) opinion, the ſaid doctrine is *probable* (and conſequently may be held, taught, and ſworne) wheras his Maieſty by this Oath condemneth it for *deteſtable*, *damnable*, *impious*, & *hereticall*, wherby it may appeare alſo what good ſeruice he doth to his Maieſty with this his probable doctrine as I haue noted before in the Preface.

See Preface nu. 25. 26. & 27.

31. Thirdly it is euident that neyther my Aduerſary nor any man that followeth his doctrine, can lawfully ſweare this clauſe of the Oath, wherof we

treate;

treate; for no man can with safe conscience abiure *as impious and hereticall*, any opinion which he houldeth to be probable, as my Aduersary graunteth our opinion to be.

32. Lastly I conclude, that albeit there were no other thing in the Oath to make it vnlawfull, yet this only clause might suffice to do it, yea and ought to moue all Catholiks to refuse it. For surely he must be a Catholike of a strange conscience, that can perswade himselfe to *deteſt, abiure, and abhorre from his hart*, a doctrine that is taught by the best Catholyk writers, ancient & moderne; & confirmed by the practise of the Catholike Church, and the authority of diuers Generall and Prouinciall Councells, as experience hath shewed for many hundreds of yeares. So as thou seest, *good Reader*, what he gayneth by his wrangling seeing that the further he goeth, the further he intangleth himselfe still, in an inextricable labyrinth of absurdities, whiles he seeketh to intangle the consciences of Catholikes in the snares of his pretended *probabilities*. And this shall suffice for this point.

THE ADVERSARIES ANSWERE

To arguments deduced from the Law of God, is confuted by the expresse words and text of the Supplement, *and proued to be not only* improbable, *but also fraudulent, in that he dissembleth the whole substance, and pith of the Authors discourse.*

CHAP. V.

MY Aduersary hauing tryfled, as you haue heard, in the precedent Chapters, goeth forward no lesse impertinently in these words, *Quartò si quis &c.* Fourthly, if a mã do attentiuely read ouer this Au-

Admonit. ad Lector. num. 17.

« thors discourse, he shall most clearly see that he hath « effectually proued nothing els out of the Law, either « of God, or of Nature, but that the temporall power in « spiritual things and in temporall (as they are reduced

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to ſpiritual) is ſubiect to the ſpirituall power, ſo far forth as concerneth commandement, and a ſpiritual manner of correction, and not temporall. So he.

2. Wherin he ſeemeth to acknowledge (as you ſee) that I haue effectually proued by the Law of God, and Nature, that the temporall power is ſubiect to the ſpirituall, ſo far forth as concerneth the authority and power to commaund, though not to puniſh temporally; meaning, that the ſpirituall power may commaund temporall, and corporal thinges ſo farre forth as they are to ſerue the ſpirituall (for ſo you haue heard him alſo confeſſe (a) before) and that it may puniſh *ſpiritually* (that is to ſay, by the way of ſpirituall cenſures) but no way *temporally*; wherein I wiſh to be obſerued what he granteth, and what he denyeth, for of his grant will eaſily follow the confutation of his denyall, as I haue partly ſignified before, (b) and will ſhew more amply (c) when I ſhall haue firſt examined how true it is, that I haue proued effectually nothing els, but that which he mentioneth. For to this purpoſe it is to be cõſidered what I haue debated cõcerning the Law of God in my *Supplement*, *ſeq*. where I ſaid thus.

(a) *See before chap 2. n. 1. & 2.*

(b) *Chap. 2. nu. 1. 2. 9. & 10.*

(c) *Chap. 6. nu. 14. 15. &*

3. Firſt I will ſpeake of the law of God, which if it be conſidered, as it is a written law, is deuided into the law of *Moyſes*, & the law of Grace, deliuered by our Sauiour *Ieſus Chriſt*, and albeit the law of *Moyſes* (for ſo much as concerneth the iudiciall and ceremoniall part thereof) doth not bind vs Chriſtians; yet I will make it manifeſt, euen by that law, that the ſpirituall power was then the ſupreme power on earth, and commanded all temporall authority, yea and that it might and did chaſtiſe Princes temporal-

See Suppl. chap. 1. n. 10.

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See Suppl. chap. 1. n. 10.

« ly, when it was neceſſary for the glory of God and
« the good of the Church. This appeareth by the law
« ſet downe in *Deuteronomy*, wherin it is ordayned ex-
« preſly that the hygheſt tribunall for iudgment, not
« only for ſpirituall but alſo for politicall and tempo-
« rall cauſes, ſhould be in the hands of the high Prieſt.
« The words of the law are theſe.

4. *Si difficile, & ambiguum apud te iudicium eſſe per-*
Deut. 17. *ſpexeris &c. If thou perceaue that the iudgmēt with thee*
« *be hard and doubtfull, betweene bloud and bloud, cauſe*
« *and cauſe, leproſy and not leproſy, and thou ſeeſt that the*
« *words of the Iudges within the gates doe vary, ariſe and*
« *go vp to the place which the Lord thy God ſhall chooſe,*
« *& thou ſhalt come vp to the Prieſts of the Leuiticall ſtock,*
« *and to the Iudges that ſhalbe at that tyme, and thou*
« *ſhalt aske of them, who ſhall ſhew thee the truth of the*
« *iudgment, and thou ſhalt do whatſoeuer they that are pre-*
« *ſidents of the place which our Lord ſhall chooſe, ſhall ſay*
« *and teach thee according to his law, and thou ſhalt follow*
« *their ſentence; neyther ſhalt thou decline to the right nor*
« *to the left; but he that ſhalbe proud refuſing to obey*
« *the commandement of the Prieſt, which at that tyme mi-*
« *niſtrith to our Lord thy God, that man ſhall dye by the*
« *decree of the Iudge, and thou ſhalt take away the euill out*
« *of Iſraell: and the whole people ſhall feare, that none after*
« *ſwell with pryde.*

« 5. Theſe are the wordes of the law of God in
« *Deuteronomy*, wherein it is to be noted, that albeit
« there be here mẽtion made of the Iudge to be cõſul-
« ted togeather with the Prieſts, (which Iudge ſome
« of our Aduerſaries take to be a temporall Iudge,
« though he may very well be vnderſtood to be the
« hygh Prieſt, who was ſupreme Iudge in the Councell

« of

of Prieſts) neuertheles I ſay, that albeit he were a »
temporall Iudge, yet it is euident, that the finall deci- »
ſion of the doubts & cõtrouerſyes in that Conſiſto- »
ry, and conſequently the ſupreme authority reſided »
in the high Prieſt; ſeeing that the ſayd Iudge if he »
were a different perſon was no other then Miniſter, »
eyther to ſee the high Prieſts commaundment execu- »
ted or to ordayne, and decree the puniſhment of »
thoſe, who ſhould diſobay him, it being ordayned »
in the law that he who ſhould *be ſo proud, as to diſobay* »
the commaundent of the high Prieſt, ſhould dye by the de- »
cree of the Iudge. »

6. So that it belonged to the high Prieſt abſolutly »
to commaund, and by the Iudge to giue ſentence of »
death, againſt the tranſgreſſors of his command- »
ment, beſides that afterwards God commaunded »
the people exactly to obey the Prieſts, without men- »
tion of any other Iudge, threatening to puniſh »
them himſelfe, in caſe they ſhould tranſgreſſe the *Deut. 24.*
ſame, ſaying: *Obſerua diligenter &c. Obſerue dili-* »
gently that thou incurre not the plague of leproſy, but ſhalt »
do whatſoeuer the Prieſts of the Leuiticall ſtock ſhall teach »
thee according to that which I haue commaunded them, »
and do thou fulfill it carefully. So ſayd Almighty God. »
And to moue them the rather to this exact obedi- »
ence, which he commaunded he added preſently. »
Remember what our Lord God did to Mary, in the way »
when you came out of Egipt: that is to ſay, call to mind »
how ſeuerely God puniſhed *Mary* the Propheteſſe »
and ſiſter to *Moyſes* for her diſobedience to him, »
when ſhe murmured againſt him, and was ſtroken »
with leproſy for the ſame, by which exãple Almigh- »
ty God did notably inculcate vnto the people the ne- »

ceſſi-

« ceſſity of their obedience to the Prieſt, and the dan-
« ger of his indignation and ſeuere puniſhement,
« which they ſhould incur by neglecting their duty
« therein.

7. Thus ſayd I in my *Supplement*, and hauing proued after wards moſt amply, that God gaue alſo to the high Prieſt, not only a ſoueraignty of authority, but alſo an infallibility of doctrine and iudgment in cauſes of doubts, and controuerſyes euen of temporall matters, and hauing alſo ſhewed the great priuiledges of the Leuites and Prieſts, who were ſeparated wholy from temporall & ciuill ſtate, in ſuch ſort, that they had no dependance theron, I added further cõcerning the power and authority of the high Prieſt in temporall thinges, that whereas both the dignities ſpirituall and temporall, were ſometymes in one perſon, as in *Moyſes Heli*, and the *Machabees*, and ſomtimes diſioyned in diſtinct and ſeuerall perſons, as in the time of *Ioſue*, the Iudges, and the Kinges, it is manifeſt that when they were ſeuered, the ſpirituall was alwayes ſuperiour; as it may appeare by the commandement of Almighty God to *Moyſes*, when he bad him take *Ioſue*, and lay his hands vpon him before *Eleazar* the Prieſt, and all the multitude, and giue him part of his glory, and that *Eleazar* ſhould conſult with God all the affayres of *Ioſue*; concluding; *Ad verbum illius egredietur &c.* according to his word (that is to ſay, the word of *Eleazar*) *Ioſue ſhall goe out, and ſhall go in, and all the children of Iſraell with him and the reſt of the multitude.*

Num. 12. 13. 14. 15. 16. 17. *Deut.* 10. & 18. *nu.* 23. *Leuit.* 25. *Suppl. ca.* 2. *nu.* 21. *lin.* 23. *Num.* 17.

8. Wherein *Theodoret* obſerueth, that God cõmaunded *Moyſes* to diſtribute his honor or dignity betwixt *Eleazar* and *Ioſue*, yet ſo, that *Ioſue* ſhould alwaies

Theodoret quæſt. 48. *in Num.*

alwaies learne of *Eleazar* what he was to do: wherby it appeareth that *Iosue* was to be directed by *Eleazar* in all affayres touching the ciuill gouernment, which is sufficiently expressed by those wordes: *Ad verbum illius egredietur & ingredieeur: Iosue* shall go out and in at the word of *Eleazar*. Also the holy Scripture declaring how the Land of Promise was deuided, setteth it downe in this manner. *Hæ sunt possessiones &c. These are the possessions which Eleazar the Priest, and Iosue the sonne of Nun, and the Princes of the families, and of the trybes of the children of Israell deuided by lot in Silo &c.* Thus saith the Scripture, giuing the preheminence in the diuision of the land, to the high-priest before the temporall Prince. And when the daughters of *Salphaad* demaunded their inheritance, *Venerunt* (saith the Scripture) *in conspectu &c. they came into the presence of Eleazar, and of Iosue the sonne of Nun, and of the Princes*, wherin you see also that as *Iosue*, who was the chiefe temporall Prince, is preferred before the other Princes, so is also the chiefe Priest preferred before *Iosue*.

9. Thus farre in my *Supplement*; where hauing also(b) proued the preheminence of the Priest aboue the Prince by the difference of their Sacrifices (according to the opinion of *Philo* the *Iew*, *Theodoret*, and *Procopius Gazæus*, and confirmed it by the testimony, and confession euen of the *Madeburgenses* and *Caluin* himselfe; I proceeded to the consideration of the authority of the Kings in the old Testament, and whether there was any change or diminution of the authority of the high-Priest by their institution; to which purpose, I said thus:

(b) *nu. 23. Leuit 4. Philo l. de victimis. Theodor. in Leuit. Procop. in Leuit. Magd. cent. 1. l. 1. c. 7. col. 257. Calu. inst. l. 4. c. 6. §. 2*

« 10. This then being ſo, by the ordinance of
Supl. ibid. Almighty God himſelfe, and this law being conti-
nu. 24. nued in full force, without any alteration or
change, during the gouerment of *Moyſes*, *Ioſue*, and
« the *Iudges*, it is to be conſidered, whether the ſame
« was changed or any way altered afterwards at the
« inſtitution of the Kings; I meane, whether the
« Kings were any way exempted from this law; and
« had ſuperiority ouer the high-Prieſt and Clergy, as
« our aduerſaryes do abſurdly affirme, that they had.
« I ſay abſurdly; for were it not abſurd to imagine
1. Reg. 8. that when God permitted (rather then ordayned)
« the inſtitution of Kings (being offended with the
« people for demaunding them) he changed the forme
« and courſe of his law in fauour of them, yea turned
« the ſame, as I may ſay, vpſide downe, contrary to
« the courſe of nature, making the temporall and po-
« liticall ſtate, ſuperior to the ſpirituall, euen with
« euident preiudice of his owne glory? For ſhould
Num. 8. not his glory be much impayred if his proper and
Leuit. 25. imediate miniſters, I meane the high-Prieſt and o-
« ther Prieſts and Leuits (whome he auowed for his
« owne part, and particuler poſſeſſion) ſhould looſe
« their ſuperiority (which was not ſo much theyrs,
« as his in them) and become ſubiect to the temporall
« ſtate, to which they had byn ſuperiour for foure
« hundred yeares before?

« 11. Moreouer, it is euident by the holy Scri-
« ptures, that the diuine law and Prieſthood, are ſo
Hebr. 7. inſeparably vnited and connected, that the one can-
« not be changed without the other, as it appeareth
« by the Apoſtles argument: *Tranſlato Sacerdotio, neceſſe*
« *eſt vt legis tranſlatio fiat. The Prieſt-hood being tranſla-*
«

ted.

ted, there muſt needes be a tranſlation of the law: wherupon it followeth, that the Prieſt-hood remayning without alteration, the law remayned in force. Seeing then the Prieſt-hood of *Aaron* had no change at all during the Regall gouernment, it followeth that the inſtitution of the Kings, did not work any alteration of the diuine law touching the authority of the High-prieſt, and matters belonging to religiõ; which wilbe much more manifeſt if we cõſider the law itſelfe ordayned by Almighty God touching Kings in that very chapter of *Deuteronomy*, where he eſtabliſhed the ſupreme authority of the High-prieſt.

12. For, hauing commaunded that recourſe ſhould be had to the Tribunall of the High-prieſt in caſes of greateſt doubts, and controuerſies; and that the High-prieſts ſentence and ordinance ſhould be abſolutly obayed, vpon payne of death, (as it hath beene before declared) he paſſeth immediatly from that to ſpeake of the Kings, whom he ſayd the people would demaund in tyme, to be conſtituted ouer them. But what? did he ſignify that they ſhould be free or exmpt from this law, and from the ſuperiority of the High-prieſt? No; but the contrary, ordayning thus; *After he ſhalbe ſet in the throne of this Kingdome, he ſhall haue it with him, & ſhall reade it all the dayes of his life, that he may learne to feare the Lord his God, and keepe his words and ceremonyes, that are commaunded in the law.* Deut. 17.

13. Thus ſayd Almighty God concerning the obligation which he layd vpon the future Kinges of the Iewes to obſerue his whole law, and conſequently his ordynance concerning obedience to the High-prieſt, which therfore he ſeconded im-

« mediatly with an admonition to them of their duty,
« not making any mention of the Iudges, who ſhould
« gouerne before thē, becauſe he foreſaw in his diuine
« prouidence, that there was farre more danger of
« breach thereof by the Kings, then by the Iudges,
« by reaſon of the abſolute authority, which ſome of
« them would in tyme take vpon them in preiudice of
« the Eccleſiaſticall dignity. And therefore, I ſay, he
« thought good to make, as it were, a ſpeciall *prouiſo*
« concerning them, and to annex it to the law tou-
« ching the High-Prieſt, to the end that they might
« the better conſider, and remember their obligation
« in that behalfe. So as it is manifeſt, that at the inſti-
« tution of the Kinges, there was no innouation of
« that conſtitution of Almighty God which concer-
« ned the ſupreme tribunall of the High Prieſt, but
« rather an expreſſe confirmation thereof, as alſo of
« all the reſt of the diuine law, which the Kinges
« were commaunded to obſerue inuiolably, and inty-
« rely without exception.

« 14. Furthermore Almighty God determining
« to conſerue and maintayne the reputation of his mi-
« niſters, and to teſtify as well to the whole world, as
« to the Kinges themſelues, that the inſtitution of
«« Regall authority did not any way derogate from
«« the ſoueraignty of the ſpirituall power and function,
«« ordayned that the Kings ſhould receaue their very
«« inſtitution, creation, and vnction from the High-
«« prieſts and Prophets. Whereupon it followeth ac-
«« ding to the vndoubted *maxime* of the Apoſtle, that
«« the ſayd Prieſts and Prophets were ſuperiours to
Heb. 7. Kings; for, *ſine vlla contradictione* (ſayth the Apoſtle)
» *quod minus eſt à meliore benedicitur*; *without any contra-*

diction

diction, the lesse is blessed by the better: which argument *S. Chrysostome* vseth in like manner saying: *Deus ipsum Regale caput &c. God hath subiected the very head of the King, to the hands of the Priest, teaching vs, that this Prince (to wit the Priest) is greater then the other; for that which is lesse, receaueth benediction from that which is more worthy.* So he, who vrgeth also to the same end, that the Kings in the old law were annointed by Priests, and inferreth thereupon that *maior hic principatus*, the principality of the Priest is greater then the Kinges. *Chrys. de ver Isaiæ hom. 5.*

15. Whereby he also acknowledgeth, that the Priests of the old testament were superior to Kings. And what meruaile? seeing that the sayd Kinges were not only created, and annoynted, but also chastised, yea deposed somtymes by Prophets and Priests? *Samuel* first created and annointed *Saul* King of the Iewes, and after deposed him for his offences, and annoynted *Dauid* to raigne in his place. In like manner the Kingdome of *Israell* was translated from the children of *Achab* to *Iehu*, by the Prophet *Elizæus*; and the Kingdome of *Syria* from *Benhadad* to a subiect and seruant of his called *Hazael*, by the Prophet *Elias*. Also in the Kingdome of *Iuda* the wicked Queene *Athalia* was deposed by *Ioiada* the High-priest, and *Ioas* set vp in her place. *Ibid. hom. 4.* *1. Reg. 9.* *Ibid. cap. 16.* *4. Reg. 9.* *3. Reg. 19.* *4. Reg. 11.*

16. But now our Aduersaries to answere this example of *Athalia*, do say, that she was no lawfull Queene, but a tyrant, and vsurped the state in preiudice of *Ioas* the right heire, whom *Ioiada* set vp and that therefore the example of her deposition cannot be of consequence, to proue that the High-priest in the old law had authority to depose a lawfull *2. Paral. 3*

" full Prince: but they are to vnderſtand that it litle im-
" porteth for the matter in hand, whether ſhe were a
" true Queene, or a tyrant: for though ſhe had beene
" a lawfull Queene, yet he ſhould haue byn her lawfull
" ſuperiour, it being euident that otherwiſe he could
" not haue beene her Iudge to determine of her right
" and depoſe her as vnlawfull, eſpecially after ſhe
" had beene receaued for Queene, and obeyed by the
" whole ſtate for ſix yeares, to which purpoſe it is to
" be conſidered, that no man can lawfully condemne
" an offender, ouer whom he ſhould not alſo haue po-
" wer in caſe he were innocent; for as well and iuſtly
" doth the Iudge abſolue a man when he is innocent,
" as condemne him when he is nocent, hauing equall
" authority, and the ſame iudiciall power ouer him in
" both caſes.

" 17. Beſydes that, our Aduerſaries muſt needs
" graunt eyther that *Ioiada* depoſed her as her lawfull
" iudge being High-prieſt, or els that any particuler
" man may of his owne authority take vpon him to
" depoſe and kill a tyrant, and vſurper; which opini-
Concil. Cõ-ſtant. ſeſſ. 15. on was worthily condẽned by the Coũcel of *Conſtãce* as *heretical*, and with great reaſon, for that no parti-
" culer man can make himſelfe another mans iudge, &
" much leſſe the iudge of a Prince. Neyther cã there be
" any doctrine more dãgerous to cõmõ wealths or per-
" nicious to Princes ſtates, then that euery ſubiect may
" take vpon him to iudge when his Prince is a tyrant,
" & proceed againſt him to his depoſition, or death.

18. Whereupon it followeth, that ſeeing *Ioiada*
Matth. 23. Hieron. l. 4. in Num. cap. 23. did lawfully depoſe *Athalia* (being a holy man and therefore, called by our Sauiour *Barachias*, that is to ſay, *Bleſſed of our Lord*) he did it not as a particuler

and

and priuate man, but as a publike perſon, to wit as
High-prieſt, to whom it belonged to iudge of her
cauſe, eſpecially ſeeing that ſhe was not only a cruell
tyrant, but alſo an abominable *Idolatreſſe*, hauing
drawne her husband *Ioram*, her ſonne *Ochozias*, and
the people to Idolatry, and transferred the riches of
Gods temple to the temples of Idolls; which beeing
matter of Religion belonged directly to the tribunall
of the high-prieſt, and therefore I conclude, that *Ioi-
ada* depoſed her, as her ſuperiour, and lawfull iudge
according to the ſupreme authority that God gaue to
the High-prieſt in the old Teſtament ouer the tem-
porall ſtate. So I in my *Supplement*. And then I ad-
ded to the former examples, the expulſion of King
Ozias out of the temple by the High-prieſt; with the
aſſiſtance of 80. other Prieſts: and to ſhew alſo the
authority that the High-prieſt had ouer his perſon
and ſtate, I layd thus.

19. *Ozias* was ſo farre from being ſupreme *Suppl. nu.*
head ouer Prieſts in ſpirituall matters, that he was *33. pag. 19.*
ſubiect vnto them therein, and bound to obey them
no leſſe then was the meaneſt ſubiect he had. This is
manyfeſt by the plaine words of the Scripture in this
place, where the High-prieſt hauing rebuked *Ozias*
for his preſumption, did not only commaund him to
depart, ſaying, *Egredere de Sanctuario &c.* go out of the
Sanctuary &c. but alſo thruſt him out of the ſame *1. Paral. 26.*
as ſoone as the leproſy was diſcouered in his forhead;
Feſtinatò, ſayth the ſcripture, *expulerũt eum*, they thruſt
him out in all haſt; beſides that, it is manyfeſt in
the ſame place, that God puniſhed him as well for
his diſobedience in reſiſting, and threatning the
Prieſts, as for preſuming to Sacrifice; and therefore
though

« though he had the Censar in his hand to burne the « Incense, yet he was not stroken with leprosy vntill he had threatened the Priests ; *Minabatur Sacerdotibus* (saith the Scripture) *statimq; orta est lepra in fronte eius &c.* he threatened the Priests, and forthwith there arose a leprosy in his forehead : wherein was fulfilled the menacing admonition that God gaue to the people in the 24. of *Deuteronomy*, as I haue declared before, when he commaunded them exactly to obey the Priests of the Leuiticall stock, bidding them remember how *Mary* was punished with leprosy for murmuring against *Moyses*.

Ibid.

Deut. 24.

20. Moreouer whereas there was a generall law giuē to the people in *Leuiticus*, wherby all men without exception were bound in case of leprosy, to vndergoe and obey the iudgment of the Priests, and at *their arbitrement to be separated* from the companie and conuersation of other men, it is manifest by this example, that the Kinges were no lesse subiect to this law, and bound to obey the Priests, then euery other man; in which respect *Ozias* was forced by the sentence of the Priests (according to the prescript of the law) to liue in a house apart so long as he liued. And I cannot omit also to touch heere by the way, what *S. Chrysostome* obserueth further in this example, to wit, that whereas *Ozias* being leprous did not only dwell in the Citty (though in a house apart) but also reigne still for some yeares vntill he dyed; he ought to haue bene cast both out of the Citty, and also out of the Kingdome; and that Almighty God was so highly offended because the same was not performed, that he withdrew the spirit of Prophesy from *Isay* and other Prophets, during

the

the life and raigne of *Ozias*.

21. *Exiuit* (saith he) *cum lepra* &c. *The King went out of the temple with a leprosy, and yet they did not cast him out of the Citty for the respect they bare to the Kingly diademe, but he still sate in his throne breaking againe the law of God. What thē? God being angry with the Iewes interrupted the Prophesy*. So he. And againe a little after, speaking in the person of God. *Ego* (saith he) *quod mei muneris feci &c. I haue done my part* (that is to say, I haue stroken *Ozias* with leprosy) *and you are afrayd to cast him being vncleane out of the Citty: you beare reuerence to his Kingly dignity violating the law of God &c. I do therfore speake no longer to the Prophets, neither do I giue any more the grace of spirit &c. Silet spiritus gratia, & non est ostensus Deus, cò quòd sub impuro illo non erat gratia*, The grace of propheticall spirit was silent or ceased, and God did not shew himselfe, because that vnder that vncleane man ther was no grace. Thus saith *S. Chrysostome* vpon occasiō of those words of the Prophet *Esay, Et factum est anno quo mortuus est Ozias Rex, vidi Dominū &c.* For wher- Isa. 6.
as all the Prophets vsed to declare the tyme and yeare of the Kings raigne when they prophesied, *S. Chrysostome* noteth that *Esay* heere omitted that custome, and did not speake of the life and raigne of *Ioathan*, in whose tyme he had his vision, but of the death of King *Ozias*; during whose raigne the spirit of prophesy had ceased for the causes before declared.

Chrys. hō. de verbis Isa. Vidi dominum.

22. Well then heerby it appeareth that God was offended, not only because *Ozias* was not cast out of the Citty, but also because he was suffred still to raigne: *consedit in throno*, saith the holy Father, *Legem Dei rursus transgrediens: he satte still in his throne transgressing*

greſsing againe the law of God, that is to ſay, as he had
" broken the law of God before, in preſuming to Sa-
" crifice, and threatning the Prieſts: ſo alſo did he a-
" gaine tranſgreſſe, and violate the ſame, in retayning
" his Kingdome, being leprous: and becauſe the ſame
" was permitted, and more reſpect borne to his King-
" ly dignity then to the execution of Gods law, ther-
" fore (ſaith *S. Chryſoſtome*) God punished the whole
" ſtate, not permitting his Prophets to propheſy, as
" they were wont.

" 23. Whereupon I inferre; that ſeeing the ex-
" preſſe law of God ordayned, that the cauſe of lepro-
" ſy ſhould be iudged and determined wholy by the
" Prieſts; and that *Ozias* was ſubiect to this law, it
" followeth, that as he was expelled out of the temple
" by the Prieſts, and forced by their ſentence to liue in
" a houſe apart (though within the Citty) ſo ought
" he alſo to haue byn, by their ſentence, caſt out both
" of the Citty and his Kingdome. And if we conſider,
" but only that which was done by the Prieſts in this
" caſe of *Ozias*, it cannot be denyed, but that they had
" a iudiciall power ouer his perſon, ſeeing that they
" both commaunded him to go out of the temple be-
" fore he was leprous, and afterwards thruſt him out,
" yea and confined him to liue in a houſe apart; for,
" though the Scripture doth not expreſſe that his con-
" fining and ſeparation was ordayned by them, yet it
" could not be otherwiſe, ſeeing that the law had or-
" dayned expreſly, that euery leprous man ſhould be
Leuit. 13. brought vnto the Prieſt, and that *ad arbitrium eius ſe-*
parabitur, he ſhall be ſeparated by his iudgment or ar-
Matth. 8. *Mark. 1.* bitrement: which our Sauiour himſelfe acknowled-
Luc. 17. ged, when he remitted the leprous (whome he cured)

to

to the Prieſts. »

24. Therfore, I will conclude vpon the pre- »
miſſes, that for as much as the law of God aſſigned a »
ſoueraignty in iudgment to the high-Prieſts & their »
conſiſtory, as well in temporall as ſpirituall cauſes, »
and to that end honored them with a particuler and »
moſt excellent priuiledge of infallibility in their do- »
ctrine, and iudiciall ſentences (as I (c) haue amply (c) *See before nu.* 10. 11. 12. 13. *&c.*
proued) and ſeeing that the Kings of the old teſta-
ment, were not any way exempt from the law (as
appeareth no leſſe by diuers reaſons, alledged (d) by (d) *Num.* 24. 25. *&* 26.
me before, thē by theſe two laſt examples of (e) *Atha-*
lia, and (f) *Ozias*) it followth euidently that they were (e) *Num.* 29. *&* 30.
not ſupreme heads of the Prieſts, but ſubiect to them (f) *Num.* 31. 32. 33. *&ſeq.*
and to their tribunall; and conſequently that if an
Oath had byn propoſed by any of theſe Kings to his
ſubiects, wherby they ſhould haue ſworn that he was »
free from all ſubiection and temporall chaſtiſement »
of the high-Prieſt, the ſaid Oath muſt needs haue »
byn repugnant to the law of God in the old Teſta- »
ment.

25. Thus farre I haue thought good to lay downe the words of my *Supplement*, touching the law of God in the old Teſtament, not for that I thinke that we are now bound to retayne the ceremoniall or iudiciall part therof, but to deduce a potent argumēt from thence, as from the figure to the verity, to proue that the like authority muſt needs be acknowledged in the Prieſt-hood, and ſpecially in the chiefe Prieſt in the law of *Chriſt*. And therefore for as much as I haue alſo vrged this argument in my *Supplement*, I thinke it conuenient to add the ſame in this place. Thus then I ſaid when I paſſed from the law of

« *Moyses* to treate of the law of *Christ*.

Suppl. cap. 1. nu. 53. 26. And now to speake of the law of God, as it « is deliuered in the new Testament by our Sauiour « *Iesus Christ*, it is to be considered, that the ould law « and Testament being but a figure, and a shaddow of « the new, was no lesse inferiour therto in authority, « dignity, and perfection then *Moyses* was to *Christ*, « the dead and killing letter to the quickning spirit, or Heb. 10. « the Priest-hood of *Aaron* to the Priest-hood of *Mel-* « *chisedech*, which was Christs Priest-hood, and ther- « fore though the Kings in the old Testament should « haue had authority over Priests; yet it would not Aug. in Psal. 119. « follow that Christian Kings should haue the like, « for that the defects and imperfections of the Synago- « gue (which *S. Augustine* calleth *terrenum regnum, an* « *earthly Kingdome*) were not to be transferred to the « Church of *Christ*, which is called euery where in the « Scripture; *Regnum Cælorum*, the Kingdome of heauen.

« 27. To which purpose *S. Augustine* saith; *vetus* « *Testamentum promissiones habet terrenas &c. The old Te-* « *stamēt hath earthly promises, an earthly Palestin, an ear-* « *thly Hierusalem, an earthly saluation, to wit, conquest of* « *enemies, aboundance of children, fertility of soyle, and* « *plenty of fruites; all these thinges are earthly promises,* « *and it is to be vnderstood spiritually in figure, how the* « *earthly Hierusalem was a shadow of the heauenly Hieru-* « *lem, & the earthly Kingdome of the heauenly Kingdome.* « So he. And therupon concludeth, that if the old Te- « stament was a shadow of the new, *non mirum quia* « *ibi tenebræ, it is no meruayle though there were darkenes* « *there*, pinguiores enim vmbræ sūt tenebræ: *for thicker* « *shadowes are darknes*. Thus argueth *S. Augustine*, pro- « uing the imperfection of the old law in respect of the

new

new, which the Apoſtle alſo proueth amply in the Epiſtle to the *Hebrewes*; ſaying that the old law was abolished *propter infirmitatem eius & inutilitatem*, for the infirmity and inutility of it. *Nihil enim ad perfectum adduxit lex*, for the law brought nothing to perfection. Heb. 7.

28. And therefore, I ſay, the defects of the old law and Synagogue of the *Iewes* cannot ſerue for a preſident to the new law, and the Church of *Chriſt*, though on the other ſyde the cõſequent muſt needs be good, that what excellency, dignity, or perfection ſoeuer was in the *Synagogue*, the ſame muſt needs be farre more eminent, and excellent in the Church of *Chriſt*, as the Apoſtle taught expreſly, arguing thus; *Si miniſtratio damnationis &c. if the miniſtration of death with letters figured in ſtones, was in glory, that the children of Iſraell could not behould the face of Moyſes for the glory of his countenance, which is euacuated: how ſhall not the miniſtration of the ſpirit be more in glory? for if the miniſtration of damnation be in glory, much more the miniſtery of iuſtice aboundeth in glory.* Thus reaſoneth *S. Paul*, prouing *à fortiore* the ſuperemi- nent dignity and glory of *Chriſts* law, by the great and eminent glory of the *Moſaycall* law; wherto ten- deth alſo his argument to the *Hebrews* concerning the imperfection and infirmity of the Leuiticall Prieſt-hood, in regard of the moſt excellent and high perfection of the Prieſt-hood of *Chriſt*. 2. Cor. 3. Heb. 6. 7. 8. & 9.

29. Whereupon it followeth euidently, that ſee- ing the Prieſt-hood of the old Teſtament had ſuch a ſupreme and ſoueraygne authority to create, an- noint, puniſh, and depoſe Kinges (as appeareth by the former examples) the Prieſt-hood in the new

« Teſtament cannot haue leſſe power, and authority;
« for it cannot be with reaſon imagined, that God ha-
« uing taken vpon him our humanity, & honored the
« ſame with a peculiar and more excellēt Prieſt-hood
« then that of *Aaron*, yea ordayned a viſible ſucceſ-
« ſion of Paſtors and Prieſts for the Gouernment of
« his Church, to continue (as the Apoſtle (d) wit-
(d) 1. Cor. 11. *Epheſ.* 4. *Matth.* 28. *Luc.* 10. *Matth.* 18. *Hebr.* 13. neſſeth) vntill the end of the world, commaunding alſo that they ſhould be heard and obayed as himſelfe; it were, I ſay, againſt reaſon to thinke that he would giue leſſe honor and priuiledge to theſe his owne ſubſtitutes, in his owne Kingdome, then he
« gaue to the ſucceſſors of *Aaron* in the old law, wher-
« by the ſhadow would be more worthy and perfect
« then the body, the figure then the verity, the Leuiti-
« call or Aaronicall Prieſt-hood, then the Prieſt-hood
« of *Chriſt*, and finally the Iewiſh Synagogue then
« Chriſts owne ſpouſe, and myſticall body, which is
« his Church, of the glory and Maieſty whereof, the
« Prophet *Iſay* foretould, ſpeaking in the perſon
« of God thus.

Iſay. 60. 30. *Ponam te*, ſayth he, *in ſuperbiam ſæculorum &c.* I
« *will place thee, as the pride of all worlds or ages, a ioy to*
« *generation and generation, and thou ſhalt ſuck the milke*
« *of nations, and ſhalt be fed with the paps of Kings; and*
« *the children of thoſe who haue humbled thee, ſhall come*
« *crouching to thee, and ſhall adore the footſteps of thy feete,*
« *and thy gates ſhalbe open continually, and they ſhall not*
« *be ſhut day nor night, that the ſtrength of all Nations, and*
« *their Kings may be brought vnto thee. For the nation and*
« *the Kingdome which ſhall not ſerue thee, ſhall periſh &c.*
« 31. Thus promiſed Almighty God by his Pro-
« phet to rayſe and aduance the Church of *Chriſt* a-

boue

boue the power of all Nations, and Kingdomes; in,,
ſo much that he threatned ruine and deſtruction vnto,,
them, if they did not ſerue her, wherby it may eaſely,,
be judged, what an excellent and eminent power our,,
Sauiour gaue to *S. Peter* and his ſucceſſors, when he,,
not only promiſed to build his Church vpon him, as,,
vpon a *rocke*, & that *hell gates ſhould not preuaile againſt* Matth. 16.
it, but alſo gaue him ſuch ample authority to bind,,
and looſe, that whatſoeuer he ſhould bind or looſe,,
on earth, ſhould be bound and looſed in heauen,,
yea and finally made him ſupreme Paſtor of his,,
flock, commaunding him thrice to feed his ſheepe,,
and lambes, that is to ſay to gouern all thoſe that,,
ſhould any way pertayne to his fould, the Catholike,,
Church. ,,

32. Thus ſayd I in my *Supplement*. Whereby it may appeare that the Popes power to chaſtiſe Princes temporally, is moſt conforme to the law of God, not only in the old Teſtament, but alſo in the new, according to *S. Paules* argument *à fortiore* before mentioned, drawne from the figure to the verity. And therefore now to declare how I proued the ſame further by the new law, it is to be vnderſtood, that I vrged (b) to that end the commiſſion giuen by our Sauiour to *S. Peter*, not only to bind and looſe but alſo to *feed his ſheepe*, ſhewing by many (c) texts of Scripture, as alſo by the authority of (d) *S. Auguſtine*, that *Paſcere* to feed, is taken for *Regere* to gouern, wherupon I drew certayne neceſſary conſequents in theſe words.

(b) *Supra vbi ſupra nu.* 59.
(c) *Pſal.* 77. *Iſay* 44. *Pſalm.* 2. *Matth.* 2. *Apoc.* 19.
(d) *Aug. in Ioan.* 6. *Supplem. nu.* 65.

33. For as much as there can be no good gouernment of men without chaſtiſmẽt (when it ſt occaſiõ requireth) it foiloweth, that *Chriſt* giuing the gouern-

ment

ment of his Church to *S. Peter* (& so consequently to his successors) gaue them also power to chastise & punish such as should deserue it, wherupō it followeth, that seeing all Christian Princes are sheep of Christs fould, and to be gouerned and guided by their supreme Pastor, they cannot exempt themselues from his iust chastisement when their owne demerits, and the publick good of the Church shall require it. And this, I say, not only of *spirituall*, but also of *temporall* & *corporall* correction.

34. For if bad Princes could not be *temporally* chastised by their Pastour, when they contemne the spirituall rod of Ecclesiasticall censures (as wicked Princes commonly do) *Christ* had not sufficiently prouided for the gouernment of his Church; which may yet be more euident if we consider that the greatest inconuenience and harme that can happen to the Church of God groweth commonly by the negligence, opposition, rebellion, or Apostacy of Christian Princes; who so long as they remayne obedient and dutifull to the Church, are (as the Prophet calleth them) her *Nutrity*, that is to say, *her Foster-fathers*, or as it were, her armes, not only to defend her against all forrayne enemyes, but also to retayne all her subiects in their due obedience, executing her lawes and decrees, and confirming the same with their owne constitutions; and therefore we see, that in a Christian Country, where the Prince is Catholike, if any subiect do contemne, or resist an excommunication, or other censure of the Church, he is euen by the temporall and publike Lawes, and by the authority of the Prince forced presently to do his duty, or els is seuerely punished

Isa. 49.

shed: so that whyle the Prince remayneth obedient to the Church, there is no doubt, or danger of disobedience in his subiects, or of any other great inconuenience to ensue on their parts.

35. But if he becom disobedient himselfe, and fall into heresy, schisme, or Apostacy, what remedy hath the Church against him by a bare Ecclesiasticall censure? doth he not contemne it? and by his authority and example draw his subiects for the most part to a generall reuolt from the Church? shall we then say, that *Christ* left not to his Church sufficient authority to remedy this? How then is that fulfilled, which the Apostle sayd of the most ample power that he and other Apostles had to destroy *Munitions* and *Councells*, and all Altitude, or *Loftines, extolling it selfe against* the knowledge of God, yea and to *reuenge* (or punish) *omnem inobedientiam*, *all disobedience*; which words S. (f) *Augustine* vnderstandeth of of the authority left by our Sauiour to his Church to compell her rebellions and disobedient children to performe their dutyes: and the same is also acknowledged by some of our principall Aduersaries, namly *Caluin*, who not only expoundeth this place of the coercitiue and coactiue power that is in the Church, but also groundeth the same vpon the wordes of our Sauiour to his Apostles, *Quicquid ligaueritis super terram, erit ligatum & in cælis &c. whatsoeuer you shall bind on earth shalbe bound in heauen, and whatsoeuer you shall loose on earth, shalbe loose in heauen.*

2. Cor. 10.

Aug. ad Bonifacium Com. ep. 50

Caluin vpon this place.

Matth. 18.

36. Whereupon I inferre that if the Ecclesiasticall authority did not extend it selfe to the chastisement of disobedient Princes in their temporal states, the Church should not haue the power whereof S.

2. Cor. 10. *Paul* ſpeaketh, that is, *to reuenge all diſobedience*, ſeeing that the diſobedience of abſolute Princes to Eccleſiaſtical cenſures, ſhould be incorrigible, and remediles; wherupon it would alſo follow, that the authority and power of the Church ſhould be no better in effect then a cobweb, which houldeth only the litle flyes, and ſerueth to no purpoſe againſt the great ones, ſufficing to correct all inferiour perſons, and to preuent, and remedy all the inconueniences that may grow from them, but not to redreſſe the moſt dangerous and pernicious diſobedince, that may be; to wit, the rebellion of Princes againſt the Church from whence the greateſt danger and domage to ſoules may, and commonly doth ariſe; if this then ſhould be without remedy, it muſt needes follow (as I haue ſayd) that *Chriſt* hath not ſufficiently prouided for the gouernment of his Church, yea much worſe then temporall Kings are wont to prouide for the adminiſtration of the Prouinces, or ſtates ſubiect to them; who, when they appoint Lieutenants, or Deputies any where, do giue them authority ouer all ſorts of ſubiects, and ſo much power, as may ſuffice for the remedy of all inconueniences (and ſpecially of the greateſt) which may occur in the ſtates where they gouerne.

37. Therfore it muſt needs be graunted that our Sauiour *Chriſt*, ordayning a Gouernment in his Church, gaue to the Gouernours thereof ſufficient power, and iuriſdiction to redreſſe all kind of inconueniences, in all ſorts of ſubiects, as well the higheſt, as the loweſt, and when ſpirituall correction will not ſuffice, then to chaſtiſe them alſo in their temporalityes, ſo farre forth, as ſhalbe neceſſary for the

publike

publike good of the Church, and for the due execution of their office, and charge. For as the Lawyer sayth *Cui iurisdictio data est, ei quoque concessa esse videntur, sine quibus iurisdictio explicari non potuit*, to whosoeuer iurisdiction is giuen those things do seeme to be granted withall, without the which the iurisdiction could not be explicated, and this is also conforme to the axiome of the Phylosophers; *qui dat esse dat consequentia ad esse*, he which giueth being, giueth also those things that are consequents thereof, or necessarily required thereto. Iauden. l. 2. ff. de iurisdict.

38. Thus then thou seest, *good Reader*, how I proued in my *Supplement* by the law of God, that the Pope hath power to chastise Princes in their temporall states, and dignities, when the necessity of the Church shall require it; which, I also prosecuted further there, inferring the Popes power ouer the bodyes, and temporall goodes of Christians, by the power he hath ouer their soules, according to the two *axiomes*, *qui potest maius, potest minus*, he which may do the more, may do the lesse, and *accessorium sequitur principalis naturam*, the accessory followeth the nature of the principall, which I haue amply debated before with my Aduersary, in the second and third Chapters, hauing also layd downe there the wordes of my *Supplement* touching the same, and therefore I thinke it needelesse to repeate them heere. See before Chap. 2. & 3.

39. Now then I remit it, *good Reader*, to thy iudgment, whether my Aduersary hath not notably abused me in two thinges; the one, in affirming (as you (c) haue heard before in the first Chapter) that I ground all my discourse against the Oath in my (c) See cha. 1. num. 3. 7. & 9.

Supplement vpon a bare ſuppoſition, that the Popes ſpirituall authority is abiured therin; and the other, that I haue effectually proued nothing els by the law of God, but that the *temporall power in ſpirituall things and in temporall (as they are reduced to ſpirituall) is ſubiect to the ſpirituall power, ſo farre forth as concerneth the authority to commaund, and a ſpirituall manner of correction, and not temporall* (for ſo you haue heard him ſay in the begining of this (d) Chapter) though it be euident by the premiſſes, that I haue grounded my arguments againſt the Oath (not vpon any ſuch ſuppoſition, as he mentioneth, but) vpon the very ſubſtance of the law of God, in the old and new Teſtament, and that I haue deduced from thence by moſt pregnant reaſons and neceſſary cõſequents, that the Pope hath power to proceed to the temporall correction of Princes, when the ſpirituall will not ſuffice, and the neceſſity of the Church doth require it.

(d) *Supra num.* 1.

40. Whereupon it followeth euidently that the new Oath which impugneth this power of the Pope, is repugnant to the law of God. So that, you ſee, how probably my Aduerſaryes anſwers are, or rather how fraudulent, ſeeing that he diſſembleth all the ſubſtance and pith of my arguments abuſing therin his Reader, no leſſe then me, ſeeking to breed in him a falſe conceit of the ſubſtance, and effect of my diſcourſe, and then framing his anſwere, according to his owne forgery. So as, in fine, he anſwereth nothing of mine, but his owne vayne conceits, as it will alſo further appeare by that which reſteth to be debated betwixt vs, concerning the Lawes of Nature, and Nations.

THE

THE AVTHOVR SHEVVETH,

How he proued in his Supplement *by the law of Nature, that temporall things are ſubordinate to ſpirituall, and that the Popes power to puniſh Princes temporally, is moſt conforme to the ſaid Law. And finally he confuteth his Aduerſaryes anſwers thereto, partly by his owne graunts, and grounds.*

CHAP. VI.

I HAVE declared in the laſt Chapter, how I proued in my *Supplement* by the law of God, that the Pope hath power to chaſtiſe Princes temporally: it reſteth now that I ſhew how I proued the ſame by the law of Nature, becauſe my Aduerſary denyeth, as you haue heard, that I haue effectually proued it, eyther by the diuine, or by the naturall law. Thus then I wrote in my *Supplement* touching

Suppl. c. 1. num. 69. pag. 40.

touching the *Law of Nature*,

2. It is euident by the light of naturall reason, « that in all things, wherein there is any naturall com- « position, or combination, there is a due subordina- « tion, and subiection of that which is lesse perfect to « the more perfect, and of the inferiour to the superi- « our, as of the meanes to the end, which is euident « in the *Hierarchies* of *Angels*, in the Orbes or Spheres; « in the Elements, in the Powers of the soule; in the « Sciences; and (to omit other examples) in all natu- « rall Societies, of Families, Common welths, and « Kingdomes, in which there is a superiority and subie- « ction, the lesse perfect being inferiour and subor- « dinate to the more perfect, wherby nature giueth to « euery thing the perfection which is conuenient for « it, according to the kind, degree, and quality therof, « wherin, we see, nature tendeth still to greater per- « fection, passing, and, as it were, moouing by de- « grees, from the lowest and most imperfect creature, « to man, from man to Angels, and from them to Al- « mighty God; who, as he is the Creator of all, so al- « so he is the end, consummation, and perfection of « all, yea perfection it selfe, by whome, and in whome « all naturall things are consummated and perfected.

« 3. This being so, it is to be considered, that « seeing in all common welths (I speake of such as are « Christian) there is a composition, and combinatiō « of diuers societies, all tending to the perfection of « mans nature, as of husband and wife, maister and « seruant, Prince and subiect (of all which resulteth « the ciuil Society:) and againe, seeing that in this « ciuill society, or common welth there is an Eccle- « siasticall Society euident, and distinct in it selfe, by

diffe-

different Magistrats, and lawes, wherby the ciuill
society is vnited with the celestiall, and heauenly
Hierarchies, and the members therof made *ciues sanctorum & domestici Dei*, the citizens of Saynts and *Ephes. 2.*
houshould seruants of God, yea vnited with God
himselfe, & consequently made as perfect, and happy
as man may be in this life, it müst needs follow,
that as the society of the husband, and the wife; and
of the maister and the seruant, are ordayned for the
family, and againe the family for the towne, and
Citty, and the Citty for the whole common welth,
euery one of them tending to a superiour, and more
perfect society: so in like manner the common welth
it selfe withall her inferiour societyes, are naturally
ordained for the religious or Ecclesiasticall society,
that is to say, the Church, tending thereto as to the *Ephes. 2.*
supreme, and most perfect society that is on earth,
wherby it, and all other societyes are perfected and
humane nature finally aduanced to that supernatu-
rall end, and felicity wherto God hath ordayned it.

4. And all this I suppose is so euident in reason
that no man will deny it: whereupon it is also further
to be inferred, that as all common welths are subor-
dinate, and subiect to the Church: so also the heads
of them all (I meane the temporall Princes that go-
uerne them) are subordinate, and subiect to the head
of the Church. For, although they be absolute heads
of the states which they gouerne in things pertay-
ning only to their temporall states, yet they are but
members of the mysticall body of *Christ*, which is the
Church, and therefore no lesse subiect to the visible
head therof, in matters belonging therto, then their
owne proper vassalls are subiect to them: and ther-

fore,

„ fore, as the King or Ciuill Magiſtrate iuſtly correc-
„ cteth the head of any family, when he paſſeth the
„ limits and bounds of true *Oeconomy*, to the hurt of the
„ common wealth (though neuertheles a family is
„ a diſtinct ſociety from a cõmon welth, hauing a pe-
„ culiar end, with different lawes, and manner of
„ gouerment) ſo the head of the Church may cor-
„ rect any King, or ciuill Magiſtrate when he doth
„ any thing to the preiudice of the Church.

„ 5. For, although the ſpirituall Prince, or Ma-
„ giſtrate haue no dominion ouer temporall ſtates,
„ and the Gouernors therof, in matters appertayning
„ only and meerly to ſtate (no more then the tempo-
„ rall Prince hath to do with priuat families in mat-
„ ters that belong only therto) yet as the temporall
„ Prince may giue lawes to a family, or the head ther-
„ of, when the neceſſity of the common welth ſhall
„ require it; ſo alſo the Eccleſiaſticall Prince, or head
„ of the Church, may giue lawes to temporall com-
„ mon welths, and the Gouernors therof, according
„ to the vrgent neceſſity of the Church; the publike
„ good wherof is to be preferred before the particu-
„ ler good of any temporall Prince, or common
„ welth, by the ſame reaſon and Law of Nature, that
„ the good of the ſoule is to be preferred before
„ the good of the body, ſpirituall good before tem-
„ porall, heauen before earth, and the ſeruice of God
„ before the ſeruice of any man, or of all the men in
„ the world.

„ 6. Wherupon I conclude, that ſeeing this Oath
„ now in queſtion is (as I haue proued by the law of
„ God) preiudiciall to the power and iuriſdiction of
„ the head of the Church, to whome all Chriſtian
„ Princes

Princes are ſubiect (euen by the very Law of Nature) it followeth that the ſayd Oath is no leſſe vnlawfull, vniuſt, and repugnant to nature, then if a huſband ſhould exact the like Oath of his wyfe, or a maiſter of his ſeruant, or the father of his children (I meane an Oath which ſhould derogate from the power, and authority of their temporall Prince.) As for example, if a head of a family ſhould bind his wyfe and children by Oath to defend him from the correction of his lawfull Prince, when occaſion ſhould require, I thinke no man will be ſo abſurd to ſay, that it is a lawfull Oath, and correſpondent to nature, though the ſame ſhould be coloured and ſhadowed neuer ſo much with pretence of *Oeconomicall*, and filiall diſcipline, and duty. And no more can the other Oath be lawfull, and agreable to Nature, though it be neuer ſo much coloured with reſpect of temporall allegiance.

7. For as no reaſon of *Oeconomy*, or filiall, or coniugal duty houldeth, when it is encountred with the reſpect of the weale publike, or of dew obedience to a lawfull ſoueraigne; So neither can any reaſon of common welth or allegiance to temporall Princes ouerweigh, when the ſame is ballanced with the publike good of the Church of *Chriſt*, wherto all temporall Princes do owe more reſpect, duty, and ſubiection (euen by the Law of Nature) then their vaſſalls and ſubiects owe to them, becauſe the Religion or Eccleſiaſticall Society which is the Church, is (as I haue ſayd) the ſupreme, and moſt worthy ſociety of all other on earth. In which reſpect alſo all Societyes inferiour to the cõmon welth, yea euery number thereof, haue more obligation,

» and owe more duty to the Church, which is the
» higheſt Society, then to the common welth, or any
» other wherto they are immediatly ſubordinate, as it
» may alſo be obſerued in humane actions, which
» tend finally to Religion, as to their laſt end; for euery
» humane action ought to be more ſpecially directed
» to Religion, that is to ſay, to the worſhip and ſeruice
» of God, then to any other inferior action, whereto
» it may haue a more immediat relation.

» 8. In which reſpect, the Philoſophers them-
» ſelues being guyded by the Law of Nature, and light
» of reaſon, placed the end not only of mens actions,
» but alſo of euery man, and of the common welth it
ſelfe in Religiõ; becauſe (as *Plato* and all the *Platoniſts* teach) man being made to the Image of God, and capable of the knowledge of him, was principally ordayned to worſhip, and ſerue him; and therefore for as much, as neyther one man alone can ſufficiently performe the worſhip of God (which is due to him from all man-kind) neyther yet many men togeather, if they ſhould liue without Lawes, and Magiſtrats (for multitude without order would breed confuſion) therefore Nature hath inclined men to Ciuill Society, that is to ſay, to liue in common welths, to the end that many men liuing togeather in community, may the better diſcharge their » duty to God, in yelding him the due worſhip, and » ſeruice, that all man kind oweth him.

Plato in Timæo. Idem. in Epinomide

See Marſil. Ficin. in argum. dial. 1. Plat. de Rep.

» 9. Wherby the Philoſophers euidenly ſaw, that » the common wealth was not only neceſſary to the » perfection of Religion, but alſo naturally ordayned, » and referred therto, as to the end thereof (I meane » not the next & immediate end of common wealth, which

which is temporall tranquility, commodity, and sufficiency, but the last end wherto all temporall commodityes are referred:) whereupon two consequents follow directly, according to Philosophy, the one, that Religion is farre more noble, and worthy then the common wealth (becauſe the end doth farre excell the meanes that tend therto) and the other; that the Eccleſiasticall Society (which of all Societyes doth next approach to God, and vnite them with him) is the moſt excellent and worthy of all; and therfore as *Ariſtotle* worthely called *Metaphiſicke* the Miſtreſſe and of Goddeſſe (becauſe it immediatly cõſidereth the ſcinces of all thinges, which is God) ſo may we call the Religious, or Eccleſiasticall Society, the Miſtres, Lady, Empreſſe, & Goddeſſe of al Cõmon wealths, and all other Societyes, becauſe it is properly and immediatly dedicated to the ſeruice of God, as alſo becauſe Cõmon wealths, & other Societyes cãnot performe their duty to God, nor arriue to perfect felicity, but by the meanes of the Eccleſiasticall Society. *Ariſt. lib. 1. metaph.*

10. And this is ſo certayne, and euident, that no Philoſopher, or learned Paynim would deny it, as it may appeare by the inſtitution and cuſtomes of the beſt common wealths amongſt the Paynims; in the which the religious Society had the prehemi-nence aboue the Common wealth, in all things that any way appertayned to religion, as I will make it manifeſt hereafter when I ſhall ſpeake of the law of nations; and now only for the preſent, I wiſh to be obſerued, that in the *Roman* Common wealth, the chiefe Biſhop who was called *Pontifex Maximus* had ſupreme authority in matters pertayning not only to religion, but alſo to ſtate, when the ſame

was mixed with religion in which caſe, he com-
" maunded the Conſulls themſelues, who were the
" ſoueraigne temporall Magiſtrats. This appeareth
Valer. lib. 1. cap. 1. in *Valerius Maximus*, who teſtifieth, that *Poſthumus* the *Conſull* being a Prieſt of the God *Mars*, and intending
" to go to *Africk* with his army, was forced by *Metel-*
" *lus* the chiefe Biſhop to ſtay his iourney, to at-
tend to his Prieſtly function; and therefore *Cicero*
Cicero pro domo ſua. ſayth, that it was moſt notably & diuinely ordayned by the auncient *Romans*, that the Biſhops *ſhould haue the chiefe commaund in matters that pertayned as*
» *well to the Common wealth, as to the religion of the Gods.*
» And no meruaile, ſeeing that the *Augures* who
» were inferior to the Biſhops, had ſuch abſolute au-
» thority, that they might hinder the election of offi-
cers, depriue the Magiſtrats of their offices, and
Cicero de leg. lib. 2. forbid the Senate to treate with the people: in ſo
» much that nothing was lawfully done by any Magi-
» ſtrate at home, or abroad, if he were contradicted
» by them; and which is more, the two conſulls P.
Cicero de diuinat. lib. 2. *Claudius*, and *Lucius Iunius* were condemned to death for diſobeying them.

11. Wherby it appeareth, that although the *Au-*
" *gures*, and *Pontifices Maximi* had no authority ouer
" the temporall Magiſtrats, in matters meerly tem-
" porall, yet when conſideration of religion entred
" togeather with temporall affayres, the temporall
" Magiſtrat was corrected and commaunded by the
" ſpirituall, as occaſion required. And this I ſay, was
" the cuſtome of the *Romans*, becauſe, no doubt,
" they held it to be moſt conforme to the Law of Na-
" ture: in which reſpect I may bouldly ſay, that if
" an Oath had beene propounded amongſt them, to

haue

haue exempted their Conſulls and other temporall Magiſtrats from the commaund and correction of the chiefe Biſhop (notwithſtanding any occaſion of religion which might occurre) they would not haue admitted it as lawfull. And this is our very caſe. Thus ſayd I in my *Supplement*, and then I concluded concerning the pretended Oath of allegiance, ſpeaking to *M. Barlow* in theſe wordes. And thus you ſee *M. Barlow*, that the Law of Nature is ſo farre from enioyning, and iuſtifying the Oath (as you ſay it doth) that it vtterly reiecteth and condemneth it, except you can turne the world vpſyde downe, and peruert the whole courſe of nature, and proue, that things leſſe perfect are to be preferred before the more perfect, the body before the ſoule, ſenſe before reaſon, temporall things before ſpirituall, policy before religion, earth before heauen, and the world before God, whereto in very truth your doctrine in this point directly tendeth.

12. This was ſome part of my diſcourſe in my *Supplement* concerning the Law of Nature, whereby thou ſeeſt, *good Reader*, that I haue ſufficiently ſhewed two things: the one, that according to the Law of Nature the temporall ſtate & power is ſubordinate, and ſubiect to the ſpirituall, when they are conioined in one body, no leſſe then the family is ſubordinate, and ſubiect to the Common wealth in lyke caſe, becauſe the end of the temporall power, is ſubordinate to the end of the ſpirituall power, which ouerthroweth my Aduerſaryes falſe principle, to wit, that the Eccleſiaſticall and Ciuill Societyes are ſo diſtinct in nature, and office, that though they be ioyned togeather, yet they haue no dependance

the one of the other, vpon which falſe ground and vayne ſuppoſition often affirmed by *Barclay*, & him, and neuer proued by eyther of them, they found all their falſe doctrine.

13. The other thing, that I haue ſhewed is, that by reaſon of this naturall ſubordination, and ſubiection of the lawes and leſſe perfect Societies to the higher, and more perfect, it is moſt conforme to nature that the head of the Church, who is the ſupreme ſpirituall Magiſtrate, may commaund and correct all inferior Magiſtrats, as well temporall as ſpirituall, when the neceſſity eyther of the whole body, or of the Church only (which is the moſt perfect and ſupreme ſociety) doth require it, as in like caſe the ſupreme Ciuill Magiſtrate (who is Prince, and head of the Common wealth) iuſtly commandeth and puniſheth the heades of familes, or Citties, notwithſtanding that the ſayd families and Citties are diſtinct Societies and bodyes, and haue their Lawes and Magiſtrats apart, no leſſe then the Common wealth and Church haue theirs.

14. And my Aduerſary himſelfe doth not deny, but that I haue proued thus much effectually, ſo far forth as concerneth a power to commaund, and a ſpirituall manner of puniſhment, ſeeing that he ſaith (as you haue heard in the bginning of the laſt (p) Chapter) that I haue *effectually proued nothing els by the diuine, or naturall Law, but that the temporall power is ſubiect to the ſpirituall, in ſpirituall things, and in temporall, as they are reduced to ſpirituall, ſo farre forth as concerneth commandment, and a ſpirituall, and not a temporall manner of puniſhment*. So he.

15. Whereby it appeareth that the only queſtion now

now betwixt vs, is whether the ſupreme ſpirituall Superiour may puniſh temporally according to the Law of Nature? Wherof truly there can be no doubt, if we conſider the ground, and ſubſtance of my former diſcourſe, prouing a ſubordination of all Societies, & communities to the Church, for thereupon it followeth that the head thereof may by way eyther of commaundment, or puniſhment, diſpoſe of whatſoeuer belongeth to all the inferiour Societies, when it ſhall be abſolutly neceſſary for the conſeruation of the Church, by the ſame reaſon that the ſuperior Magiſtrate or Prince of the Ciuill Society or Common wealth, may diſpoſe in like caſe, & to lyke purpoſe, of whatſoeuer belõgeth to all the Societies, which are inferiour to Common wealth, or as the ſoule commandeth, or puniſheth the body in whatſoeuer is dependant thereon, or acceſſory thereto, as I haue proued before (h) in the ſecond Chapter.

(h) *Chap. 2. per totum.*

16. And all this wilbe yet more cleare if we cõſider the weake reaſon that he giueth of his conceipt to proue, that the ſupreme ſpirituall power cannot puniſh temporally. For thus he ſaith: *Atque ita recta ratio dictat, vt ſuperior quicumq; &c.* And ſo right or true reaſon teacheth, that euery ſuperiour may puniſh his inferiour, with ſome penalty that is proportionate to his authority, that is to ſay, depriuing him of the goods which are proper to the community whereof he is ſuperiour; but that another beſids him, that is ſupreme gouernour of the ciuill cõmmõwealth may puniſh his inferiour, with the payne of death, or mayming or of the depriuation of all his goods, this cannot be deduced from the rule or preſcript

VViddr. in Admonit. ad Lect. nu. 17.

» ſcript of true reaſon. Thus ſaith he; but omitting to ſpeake of bloudy puniſhments by death, or maiming (which are neuer vſed by the Church, and therfore are idly mentioned heere by my Aduerſary) it is to be noted, that in the reſt he cõtradicteth not only the ancient and common practiſe of the Church, yea the holy Scriptures, as I ſhall ſhew (g) after a while, but alſo his owne graunt and conceſſion.

(g) *Infra nu.* 18. 19. 20. *Item. cap.* 7. 9. 10. 11. *&* 12. *per totum.*

17. You haue heard him graunt (h) that the *ſpirituall Superiour may commaund corporall and temporall things, as they ſerue the ſpirituall, and are reduced therto:* Why then may he not puniſh his ſubiect in his body, or temporall goods, for the ſame reſpect? For, ſeeing that the ſpirituall power to commaund temporall things in that caſe, reſulteth (as he ſeemeth to graũt) vpon their reduction to the ſpirituall (that is to ſay, becauſe they are vſed, and applyed to the ſeruice of the ſpirituall, wherby they are reduced to a kind of ſpirituall nature or quality) why ſhall not the ſame reaſon hold for the ſpirituall Superiours power to puniſh in temporall things, which are no leſſe vſed and applyed to the ſeruice of the ſpirituall, in puniſhment then in commaundement? as when delinquents are enioyned for the puniſhment of theyr ſinnes to giue Almes, to build Hoſpitalls, or Monaſteries, to go in Pilgrimage, and to afflict their bodies by faſting, watching, diſcipline, hayre-cloth, and ſuch like, it is cleare, that as well the corporall labours as the temporall expences are referred to a ſpirituall end (to wit, to Gods glory, and the benefit of the ſoule) no leſſe then if the ſame were imployed otherwaies for Gods ſeruice, by the direction or commaundment of the ſpirituall ſuperiour. Alſo when here-

(h) *ſupra cap.* 5. *nu.* 1. *VVidring. Admonit. ad Lect. nu.* 17.

heretikes are depriued of their honour, fame, goods, or liues for the iuſt puniſhment of their hereſy, according to the cuſtome and Canons of the Church, who knoweth not that the ſame is done for the glory of God and the great benefit of the Church? So as, there is no leſſe relation and reduction of corporall and temporall goods to the ſpirituall in puniſhing, then in commaunding, and therefore my aduerſary cannot with any *probability* admit the one, and reiect other. *See Silueſter Verbo Hæreſis. nu. 12. 13. & 14.*

18. Furthermore he graunteth, that the ſpirituall ſuperiour may puniſh ſpiritually (that is to ſay, by cenſures of *excommunication*, interdict, and ſuſpenſion:) but who ſeeth not that he graunteth conſequently that the ſaid ſpirituall ſuperiour may alſo puniſh temporally? for *excommunication* doth not only depriue a man of the vſe of the Sacramẽts, but alſo of the com nunication, and conuerſation of Chriſtian men, and of many temporall commodities, euen according to our Sauiours owne commaundement, who ordayned a temporall penalty of *excommunicatiõ*, when he commaunded that he which will not heare the Church, *ſhall be taken for an Ethnick, and a Publican*, that is to ſay, he ſhalbe excluded not only from the paticipation of the ſpirituall benefits of the Church, but alſo from the temporall company, and conuerſation of the faithfull; which was alſo ordayned by the Apoſtle, when he commaunded the (b) *Corinthians*, and (c) *Theſſalonians* not to eate with notorious ſinners, and diſobedient perſons; and by *S. Iohn* (d) when he commaunded that the Chriſtians ſhould not receiue *heretikes into their houſes*, nor ſo much as *ſalute them*; in all which it cannot be de- *Matth. 18.* (b) *1. Cor. 4.* (c) *2. Theſſ. 3.* (d) *Ioan. ep. 2.*

nyed, but that the offenders were punished temporally.

19. Moreouer it is euident in the holy Scripture, that our Sauiour himself (f) droue the buyers and sellers out of the temple with whipps, and *S. Peter* inflicted the punishment of death vpon (g) *Ananias* and *Saphyra* (whereof I shall haue occasion to speake more amply in the next Chapter (h) and that *S. Paul* stroke (k) *Elimas* the magician blind, and deliuered the incestuous *Corinthian* to the diuell to be corporaly afflicted (l) *in interritum carnis* (saith he) *vt spiritus saluus fiat*: for the destruction of the flesh, that the spirit may be saued. All which were corporall and temporall punishments: besides that the said Apostle permitted the separation of man and wife, when the same should be necessary for the saluatiõ of the soule of eyther of them; and the Church also doth and may in lyke case permit, and ordayne the same, not only for the benefit of the party innocent, but also for the iust punishment of the offender.

(f) *Ioan. 2.*
(g) *Act. 5.*
(h) *Cap 7. nu. 23. & seq.*
(k) *Act. 13.*
(l) *1. Cor. 5.*
1. Cor. 7.

20. And in like manner there is no doubt, but that the Church may punish an heretike by discharging his children from their filial, and naturall obligation to him, exempting them from his authority, when it shall be necessary for their spirituall good, as it may appeare by a Canon of the fourth Councell of *Toledo*, which ordayneth that the baptized children of *Iewes*, shalbe separated from their parents, least they may be infected with their errour. And the like is to be said of the discharge of slaues, and bondmen from the power and authority of their Lords when the said slaues are Catholikes, and their Lords Heretikes; for in that case the Church may not only pro-

Concil. Tolet. 4. can. 59.
See Molina de iustit. tract 2. disp. 229. to. 1.

prouide for the ſoule of the Catholik, but alſo iuſtly puniſh the hereticall Lord, by granting freedome to the ſlaue. And for the ſame reaſon the Church hath power to diſcharge ſubiects from their bond of obedience and allegiance to an hereticall Prince, when there is euident danger of their ſoules, and great detriment to the Church; for, the band of allegiance to the Prince, is not greater then the obligation of the Sonne to the Father, the Wife to the Huſband, and the ſlaue to his Lord,

21. Now then in all theſe examples it is euident that the Church diſpoſeth of that which is temporall to ſpirituall ends, and therfore my aduerſary hath no probability in the world to deny, that a ſpirituall Superiour may puniſh temporally, eſpecially graunting as he doth, that he may commaund corporall, and temporall things, ſo far forth as they ſerue the ſpirituall; beſides that, he himſelfe teacheth alſo in his (b) *Apology*, that ſpirituall thinges may come to haue the nature of temporall things, and temporall things of ſpirituall, *by accident*, that is to ſay (as he himſelfe doth explicate it) *ratione peccati annexi*, by reaſon of ſome ſinne annexed, whereof he alſo giueth this example, when Eccleſiaſticall perſons do apply their ſpirituall power to the hurt of the temporall ſtate, or temporall men abuſe their power to the preiudice of the ſpirituall; in theſe caſes he ſayth, the temporall power, and ſtate becommeth ſubiect to the ſpirituall, and the ſpirituall to the temporall by reaſon of the iniury done, and offence committed, becauſe temporall things do therby come to haue the quality of ſpirituall things, and the ſpirituall alſo of temporall. Thus teacheth he in his *Apology*, and (b) nu 153. 154. & 156.

affirmeth the ſame in effect in his (e) *Theologicall diſputation*.

(c) *Cap. 3. Sect. 1. nu. 19.*

22. But I let paſſe his abſurd, and impious doctrine deſtroying the naturall ſubordination of temporal things to ſpirituall, when they are ioyned in one body (which I amply proued (d) euen by the Law or Nature) and I only wiſh to be obſerued, that albeit we ſhould graunt it to be true (as it is moſt falſe) that ſpirituall and temporall things may take the nature, the one of the other equally, by *reaſon of ſome ſinne annexed*: yet it would follow thereon, that the ſpirituall ſuperiour may puniſh euen in temporall things, becauſe, according to this doctrine, temporall things do become ſpirituall, when the conſideration of ſinne entreth, whereby alſo they are made proper to the ſpirituall community, and conſequently may be vſed, and applyed by the ſpirituall ſuperiour to the puniſhment of his ſubiects.

(d) *Supra nu. 2. 3 & ſeq.*

23. Alſo if temporall things, may become ſpirituall by *reaſon of ſinne annexed*, why ſhall they not haue alſo a ſpirituall nature, and quality by the connexion of ſome vertue, and ſpecially when they are applyed, as I haue ſaid before, to a ſpirituall end, as to the ſeruice and glory of God, which is the end of all things ſpirituall and temporall: to which purpoſe it may be obſerued, that *S. Paul* exhorted the *Romans* to exhibit their bodyes *hoſtiam viuẽtem, ſanctam, Deo placentem &c. alyuing ſacrifice, holy & pleaſing God*; geuing to vnderſtand, that our bodyes, goods, and what temporall thing ſoeuer is ſubiect to our ſoule, (being dedicated & applyed to Gods ſeruice, and the good of the ſoule) is ſanctified therby, and becommeth *ſpirituall*: wherupon it followth that whenſoe-

Rom. 12.

uer

uer a ſpirituall Superiour puniſheth his temporall ſubiects in their bodies, or goods, for ſatisfaction of their ſinnes, and for the ſeruice of God, and the Church, and the good of ſoules, their corporall and temporall puniſhment becommeth ſpirituall, by reaſon of the end, and the vertue annexed, and conſequently is moſt lawfull, and iuſt, euen according to my aduerſaris owne doctrine.

34. Wherto I alſo ad, that wheras he ſaith, that *euery ſuperiour may puniſh his Subiect with penalties proportionate to his authority*, he muſt needs graunt the ſame in this caſe; for albeit temporall goods haue no naturall proportion with ſpiritual things, yet they haue a morall proportion therewith, becauſe they are notable inſtruments of good works, in which reſpect S. *Peter* calleth *Almes*, and other good works *ſpirituales hoſtias*, ſpirituall Sacrifices, albeit they cõſiſt in the vſe, and imployment of temporall things: and therfore when temporall things are neceſſary to a ſpiritual end, they may be diſpoſed of by the Church, as proportionate to the end wherto they are neceſſary. 1. Pet. 2.

25. But now if togeather with all this, we conſider the naturall ſubordination of temporall things to ſpirituall (whereof I haue ſufficiently treated (d) before) his abſurdity will be moſt manifeſt, as well in denying that the ſpirituall Superiour may puniſh his ſubiect in his perſon, or temporall goods for a ſpirituall end, as in affirming that the ſpirituall power may become ſubiect to the temporall no leſſe then the temporall to the ſpirituall, as though there were no ſubordination, or ſubiection of the one, to the other; wherein he peruerteth the whole courſe of Nature, no leſſe then if he ſhould ſay, that in ſome (d) *Supra nu 2. 3. 4. & ſeq.*

cases the soule may be subiect to the body, heauen to earth, religion to policy, Angells to men, and God to the world; Wherby you may still see, what *probable* answeres & arguments he affoardeth his Readers, for the assurance and security of their consciences, and that he had great reason to protest (as you may remember I haue signified in the Preface) that his meaning is not to lay downe any *demonstrations*, or infallible arguments for the proofe, or defence of his opinion.

See Preface, nu. 9.

26. For truly all that he sayth doth demonstrate nothing els, but the weaknes of his cause, and his owne willfullnes, if not malice, in defending such an improbable and extrauagant *Paradoxe* as this is, which he nouldeth and defendeth contrary to the vniuersall and continuall custome of the Church, grounded vpon the holy Scriptures, the practise of the Apostles, and the decrees of the Popes and Councells, and finally contrary to the whole course of the Canon law; as it will euidently appeare in the ensuing Chapters, and as Cardinall *Bellarmine* against *Barclay*, and *D. Sculkenius* in his late *Apology* for the Cardinall, and diuers others haue sufficiently shewed, and amongst others our learned Countreiman M. Doctor *Weston* hath clearly and soundly proued it in his booke intituled, *Iuris Pontificij Sanctuarium*, wherein he battereth all the foundations of my Aduersarys doctrine, and fully confuteth him, as well in all other poynts, as in this, touching the Popes power to punish temporally, which he (p) doth learnedly and amply demonstrate, as well by the holy Scriptures, as by many examples of the Churches practise, to wit, by diuers kind of diuorces,

(p) *Quæst.* 17. 18. 19. 20. 21. & 22.

by

by the relaxation of depts, exemption of children frō the power of their parents, the abrogation of temporall, and Ciuill Lawes, the dissolution of contracts and bargayns, and finally by the imposition of temporall penalties, allmost vsuall, and ordinary in the practice of the Church, as he sheweth very particulerly by the Ecclesiasticall Canons.

27. I forbeare for breuities sake to prosecute these poynts in particuler; only I shall haue iust occasion to treate now and then of the infliction of temporall penalties, in answere of my Aduersaries impertinent obiections out of the Canons, and Canonists: which, I hope, may suffice, for as much as I haue vndertaken to performe in this briefe Reply.

THE

THE ADVERSARIES ANSWERS

To certayne places of the old and new Teſtament, are confuted: and by the way F. Perſons *is defended. And finally the cuſtome of the Church to puniſh temporally, is proued to haue been practiſed by the Apoſtles.*

CHAP. VII.

NOVV let vs ſee how my aduerſary proceedeth, who hauing giuen his reaſon (though ſo weake as yow haue heard) why he thinketh it to be againſt reaſon, that a ſpirituall Superiour ſhould puniſh tempoly, vndertaketh to anſwere one place only alledged by me out of the old law, & foure out of the new, omitting to ſay any thing els in particuler to all the other places, and arguments which I vrged out of the law of God, and Nature. Thus then he

he ſaith to a place alledged by me out of the old Teſtament.

2. *Quintò, qui infraſcriptas S. Auguſtini, & Cardinalis Bellarmini ſententias diligenter perpendet &c.* Fifthly, he which ſhall diligently waygh the opinions of *S. Auguſtin*, and Card. *Bellarmin* hereafter alledged, will eaſily perceiue how effectuall an argument may be deduced out of the 17. Chapter of *Deuteronomy*, & ſuch lyke places of the old Teſtament, which is a figure of the new. Excommunication, ſaith Card. (q) *Bellarmin*, hath that place in the Church, which the payne of death had in the old Teſtament & which it hath in temporall common welths. And *S. Auguſtin* (t) ſaith, that Excōmunication doth that now in the Church which killing, or death did then: in which place he compareth that which was ſayd in the 24. of *Deuteronomy* (to wit, *he ſhalbe killed, and thou ſhalt take away the euill from the midſt of thee*) with that which the Apoſtles ſayd, *Auferte malum ex vobis ipſis; take away the euill from amongſt yow*; and Card. *Bellarmin* teacheth alſo els where by the authority of *S. Auguſtin*, that the matteriall ſword which *Moyſes*, and *Phinees* vſed in the old Teſtament was a figure of the degradations, and excommunications which are to be exerciſed in the Church; ſeeing that, ſaith *Auguſtin, the viſible ſword ſhall ceaſe in the diſcipline of the Church*.

(q) *lib. 3. de Eccle. c. 6.*

(t) *Quæſt. 39. in Deut Deuter. 24. 1. Cor. 5.*

S. Aug. lib de fide & operib. cap. 2.

3. Thus ſaith my aduerſary, wherein he rather fortifieth, and ſtrengthneth our cauſe, then weakneth, or hurteth it any way. For if you note well what he ſaith and inferreth, he proueth nothing els but that the penalty of temporall, or corporall death is not now inflicted in the new Teſtament, as it was

in the old, and that the ſame is now turned to the ſpirituall death of the ſoule by excommunication which we deny not. But will he infer re hereupon, that therefore the Church cannot now inflict other temporall penalties? ſo ſhould he make a very abſurd inference, eſpecially ſeeing that the penalty of excommunication, which as he him ſelfe granted, ſupplieth the place of corporall death, includeth a temporall punishmēt, by the ſeparation of the delinquent from the cōuerſatiō of men, & from diuers other temporal cōmodities, as I haue ſhewed in the laſt Chapter.

nu. 18. 4. Beſydes that, it is euident that in the old teſtament euen the temporall Princes themſelues were puniſhed by depriuation of their right to their temporall ſtates and dominions, as (b) *Saul* by *Samuel*, (c) *Athalia* by *Ioyada*, *Ioram* (d) by one of the children of the Prophets who being ſēt by *Elizeus* annoynted *Iehu* King of *Iſrael*, to the end he might deſtroy *Iehu*, and all the houſe of *Achab*. Alſo *Ozias* was not only corporally expelled out of the Temple by the Prieſts, & confined by their ſentence to liue priuatly in his owne houſe, but (according to the opinion, & doctrin of S. *Chryſoſtome*) he ought alſo to haue byn wholy depriued of the gouerment, as I haue ſignifyed before (f) at large.

(b) 1. Reg. 16.
(c) 4. Reg. 11.
(d) 4. Reg 15.

5. And therefore ſeeing he telleth vs how the penalty of corporall death (which was ordayned in the old teſtament) is now fulfilled ſpiritually in the new; let him alſo tell vs, to what ſpirituall puniſhment the depriuation of Princes right to their ſtates, and other temporall penalties then vſuall, are now conuerted, to the end that we may ſee the correſpondence of the figure to the verity in matters of puniſhment,

(f) Cap. 5 nu. 21. & 22.

ment, and in the meane tyme let him acknowledge, according to his owne doctrine, and instance heere produced, that the Church may punish temporally, seeing it may excommunicate, and consequently depriue men of many temporall commodities.

6. After this, he passeth to certayne places, & examples alledged by me out of the new Testament. *Sextò*, saith he, *illa noui Testamenti loca, &c.* Sixtly, those places of the new testament, *quodcumque solueris super terram*, whatsoeuer thou shalt loose vpon the earth, and *pasce oues meas*, feede my sheepe, as also the reason which Father *Parsons* bringeth, to wit, that *otherwyse the Ecclesiastical common welth should be imperfect, and not sufficient for it selfe*, are explicated by me els where (u). So he; remitting his reader by his quotation in the margent to his *Apology*, without any other answere thereto in this place. And that which he saith in effect in his *Apology* concerning these two texts alledged out of the ghospell, is no other but to proue that *Christ* gaue therby to *S. Peter* a spirituall authority only, which we willingly graunt as *D Adolphus Sculkenius*, in his answere for Card. *Bellarmin*, hath declared sufficiently, and told my aduersary withall how vainely he hath laboured with a long discourse, and many idle words to proue that which neyther the Cardinall, nor any Catholyk will deny.

Matth 16. Ioan. 12.

(u) *In Apol. nu. 35. & seq. & nu. 203. & seq.*

Adolph. Scul in Apolog cap. 4. §. Respondeo. pag. 36. impr. ff. Colon. an. 1613.

7. *For we willingly grant*, saith he, *that the Popes power is formally spirituall, though virtually it is also temporall, extending it self to temporall things so farre forth, as they are subordinate to the spirituall, and the necessity of the Church shall require*. So he; and afterwards he also explicateth the same in these words; *Nam & animus noster spiritus est &c.* for our soule (saith he) *is*

Ibid.

is a ſpirit, & hath a ſpirituall power, & yet it doth not only thereby gouern the body which is ſubiect vnto it, but doth alſo chaſtiſe it with corporall puniſhments, as watching, hayrcloth, faſting, and whipping. And therfore if Bellarmin did ſay, that the Pope doth iudge the faults of Princes, and vpon their deſert depriue them ſomtimes of their goucrnment by a temporall power, his Aduerſary ſhould ſay ſomewhat to the purpoſe; but now ſeeing that Bellarmine ſaith, that the Pope vſeth a ſpirituall power when he depriueth Princes of their ſtates for ſpirituall, and Eccleſiaſticall crymes (ſuch as hereſies and ſchiſmes are) his Aduerſarie doth idly beate the ayre &c. for he ſhould haue proued that a ſupreme ſpirituall power cannot extend it ſelfe to diſpoſe of temporall things, as they are referred to ſpirituall things, and ſubordinate therto. Thus ſaith *Sculkenius*.

8. And thereof my Aduerſary might haue taken notice, if it had pleaſed him, when he referred me and his Readers to his *Apology* for anſwere to thoſe places. For albeit he may perhaps pretend that he had not ſeene *Sculkenius* his *Apology* for the Cardinal, before he had ended his *Theologicall diſputation*: yet it is euident that he had ſeene, and reade it before he wrote his *Admonition to the Reader*, wherin he writeth againſt me. For he not only maketh mention therein of the *Apology* of *Sculkenius*, but alſo carpeth at him for ſome things that he handleth; and therefore if he had meant ſincerly, he would not haue remitted vs to his owne *Apology* for this point, without ſome confutation of *Sculkenius* his Anſwere thereto; I meane of ſo much as concerneth this matter. For otherwyſe he may multiply bookes, & write of this controuerſy as long as he liueth, and all to no purpoſe,

poſe, if he will ſtill ſtand vpon his firſt grounds, and diſſemble the anſwers that are made thereto; and therfore as he remitteth me to his *Apology*, ſo I remit him alſo to the anſwere of *Sculkenius* which I haue partly layed downe heere, and may be ſeene more at large in him. And this ſhall ſuffice for this poynt.

9. And as for the other concerning *F. Perſons*, for the which he alſo remitteth vs to his *Apology*; I might well let it paſſe, as a matter that toucheth not me; but that the reſpect, and reuerence which I beare to the memory of ſo worthy a man, and my old friend moueth me to ſay ſomewhat thereto, and the rather becauſe I find, that my Aduerſary eyther ignorantly miſtaketh, or very maliciouſly abuſeth him in that place of his *Apology* wherto he remitteth vs, to wit in the 203. number, where he taketh occaſion to ſpeake of *F. Perſons* his doctrine in his *Treatiſe of Mitigation*, concerning the power left by Almighty God to his Church. *VViddr. Apol. nu. 203.*

10. Now then touching this poynt my Aduerſary ſayth, that although it be true which Father *Perſons* layeth for the ground, and foundation of his diſcourſe, to wit, that our Sauiour *Chriſt* left vnto his Church (which is a ſpirituall Common wealth) as alſo to all other well ordered Common wealths, a ſufficient authority, and power (for as much as belongeth to the power, being conſidered in it ſelfe) to defend it ſelfe from the iniuries of any whatſoeuer, and to reſtraine, iudge, and puniſh all ſorts of wicked men of what ſtate, and condition ſoeuer they be, that are ſubiect to the Prince of the ſpirituall Common wealth, as members to their head, ſheepe

„ to their Paſtor, and children to their father: Neuer-
„ theles, *quòd Chriſtus*, ſayth he, *in Eccleſia ſua vires re-*
„ *liquerit ſufficientes &c.* that *Chriſt* hath left ſuffi:ient
„ forces, or ſtrength to repreſſe at all tymes all exceſ-
„ ſes whatſoeuer of Chriſtian Princes, or that the pe-
„ nalties wherby ſuch Princes may be puniſhed in the
„ Church, may be temporall (which do tranſcend
„ the limits that *Chriſt* had aſſigned to a ſpirituall com-
„ mon wealth) this, beſides that it ſeemeth to be ſup-
„ poſed by this Author, as certayne, without all reaſon,
„ manifeſtly contradicteth the common doctrine of
„ the holy fathers, who teach, as you haue heard be-
„ fore, that the armes of the Church are ſpirituall,
„ and not temporall &c So he.

11. Heere now, you ſee, he deuided *F. Parſons* his diſcours into two parts, the one concerning the ground thereof (to wit, the authority left by *Chriſt* to his Church to remedy all exceſſes which he profeſſeth to admit no leſſe then *F. Parſons*) The other, touching *ſufficientes vires, ſufficient forces, or ſtrength at all tymes to repreſſe all kind of exceſſes &c.* in which point he profeſſeth to diſſent from him, as alſo touching the quality of the penalties.

12. And for as much as he diſtinguiſheth heere the authority, and power of the Church from the forces thereof, granting with *F. Parſons* the ſufficiency of the former, and denying the later, it is euident that he chargeth *F. Parſons* to hold, that *Chriſt* left vnto his Church not only ſufficient power, and authority for the remedy of all inconueniences, and exceſſes, but alſo ſufficient forces to put the ſame authority in execution, and to procure at all tymes the remedy that is needfull, which is abſurd, and neyther ſayd,

nor

nor meant by *F. Parsons*, who speaketh only of the former part, which our Aduersary granteth, to wit, the sufficiency of the authority left by *Christ* (as it is considered in it selfe) and sayth not so much as one word of the forces to execute it; as it will appeare euidently to any man that will take paynes to reade the discourse it selfe of *F. Parsons* in that very place which our Aduersary cyteth, to wit, the 21. page of the *Treatise of mitigation*, where F. *Parsons* speaking of this matter, deuideth it into three questions.

13. The first is, *whether any authority were left by Christ in his Church and Christian Common wealth, to restrayne or represse, censure, and iudge any exorbitant, and pernicious excesse of great men, states, and Princes, or that he had left them remeailes wholy by any ordinary authority*, and in this resolueth, *that God, and Nature hath left sufficient authority in euery Common wealth, for the lawfull, and orderly redresse of those euills euen in the highest persons*. *Treatise of mitigation pag. 21. nu. 20.*

14. The second question is, *about the manner how this authority, or in what sort it was giuen by Christ to his supreme Pastour; whether directly, or indirectly*, wherein his resolution is, that albeit the *Canonists* and *Diuines* do differ about the manner of the authority, as whether it be *direct*, or indirect (the *Canonists* affirming the former, and the *Diuines* the later) neuertheles both parts, sayth he, *do fully agree, that there is such an authority left by Christ in his Church for remedy of vrgent cases, for that otherwyse he should not haue sufficiently prouided for the necessity thereof*. *Ibid. pag. 23. nu. 22.*

15. The third question is, *about the causes for which this authority may be vsed, as also the forme of proceeding* *Ibid. pag. 25. nu. 23.*

ceeding to be obſerued therein: wherein, ſayth he, *there are ſo many paticularityes to be conſidered, as are ouerlong for this place; only it is ſufficient for Catholike men to know, that this may not be done without iuſt cauſe, graue, and vrgent motiues, and due forme of proceeding by admonition, preuention, interceſſion, and other lyke preambles, preſcribed by Eccleſiaſticall Canons.* Thus ſaith *F. Parſons.*

16. This then being the whole ſubſtance of his diſcourſe in this place, I remit it to the iudgmēt of the indifferent Reader, whether he ſay, or ſuppoſe, or ſo much as inſinuate, that *Chriſt* hath left vnto his Church *ſufficientes vires quoſcumque Principum Chriſtianorum exceſſus omni tempore comprimendi: ſufficient forces to repreſſe at all tymes all exceſſes whatſoeuer of Chriſtian Princes*; or whether he affirme any more then that which, as I haue ſignifyed before, our Aduerſary himſelfe alloweth in expreſſe words, ſaying, that it is true, *Chriſtum Dominum in Eccleſia ſua &c. that Chriſt our Lord hath left in his Church, which is a ſpiritual Common wealth, as alſo in all other well-ordered Common wealths, ſufficient authority and power (for as much as belongeth to the power conſidered in it ſelfe) to defend it ſelfe from the iniuries of all men whoſoeuer, and to reſtraine, iudge, and puniſh all ſorts of wicked men which are ſubiect to the Prince of this ſpirituall Common wealth, as members to their Paſtor, and children to their Father.* Thus ſayth our Aduerſary, which is the very ſame in effect, that Father *Parſons* hath taught in the place before cyted.

VViddr. Apolog. nu. 203.

17. And if our aduerſary do ſay, that there is a difference betwixt the diſcourſe of F. *Parſons*, and his, becauſe he hath explicated his meaning, concerning

ning the ſufficiency of the Churches power by adding this parentheſis (*quantum eſt ex parte poteſtatis*) which is not added or mencioned by F. *Parſons*, he is to vnderſtand, that albeit F. *Parſons* doth not expreſſe ſo much, yet he neither denyeth it, nor ſaith any thing to the contrary.

18. For neither he, nor any Catholik was euer ſo ſimple to think that the ſufficiẽcy of the power which *Chriſt* hath left to his Church in this point, or any other, conſiſteth either in the execution (which may be hindred many wayes) or yet in the meanes to execute it (which many tymes may be, and are inſufficient) but that the power being conſidered in it ſelfe, is ſufficient to work the effect for which it was ordayned, if it meete which a capable ſubiect, and haue no external impediment; which may be exemplified in the power to remit ſinnes, to giue holy Orders, to excommunicate, and ſuch lyke.

19. For albeit the Church haue ſufficient power to do all this, yet the ſame cannot be executed eyther at all times, or in all places, or vpon all perſons, by reaſon as well of the incapacity of ſubiects, as of other externall impediments, which may hinder the execution. So as it were extreme folly to ſay that the Church hath not only ſufficient power to doe theſe things, but alſo *ſufficientes vires*, ſufficient forces alway to execute, and performe the ſame.

20 And the lyke we ſay concerning the power left by our Sauiour *Chriſt* in the Church to puniſh abſolute Princes in their temporall ſtates, to wit, that the power being cõſidered in it ſelf, is ſufficient,

albeit the ſame cannot alwayſe be executed, and F. *Parſons* neuer taught or thought otherwyſe: and therefore I muſt needs ſay, as I haue ſayd before, that our aduerſary hath eyther moſt groſſely miſtaken him (which truly I cannot ſee how he could do in this place) or els moſt maliciouſly abuſed, and belied him.

21. And wheras he quarrelleth alſo which F. *Parſons* for teaching, that the penalties which the Church may impoſe, may be temporall, and for the confutation thereof remitteth his reader to diuers places of the Fathers layd downe before by him in the fifth, and other enſuing numbers, or paragrafes of his *Apology*, I wiſh him, and his readers to ſee the anſweres to thoſe places in D. *Sculkenius* (b) who (as I haue already ſignified in (c) the preface) giueth particuler ſatisfaction to euery one of them, and ſheweth euidently that dyuers of thoſe authors do wholy impugne our aduerſaries opinion and doctrine, and finally telleth him of his bad fortune in alledging ſuch witneſſes, as eyther make nothing for him, or do quyte ouerthrow him; and the lyke may be ſeen in M. Doctor *Weſtons Sanctuary*, who alſo anſwereth the ſayd places particulerly and fully.

Vbi ſupra pag. 161. nu. 203.

(b) *Adolph. Sculk. Apolog. ca 3.*

(c) *See the Preface. nu. 21.*

Sanctu. queſt. 28. nu. 12. 13. & 14.

22. Furthermore, the reader may ſee many of thē anſwered by the Cardinall himſelfe in his booke againſt *Barclay*, which my aduerſary could not but haue ſeene (no leſſe then the former) before he wrote againſt my Supplemēt, & therfore reaſon would that he ſhould haue ſhewed ſome inſufficiēcy in thoſe anſwers, before he ſo confidently remitted me, and his readers to thoſe places, & ſuch lyke, which he knew

Card. Bellar. in Tractatu de Poteſt. ſum. Pont. contra Barc. ca. 8.

See preface nu. 15.

were

were already answered: but perhaps he perſuadeth himſelf that all his writings, & aſſertiõs, are (as I haue ſaid in the preface) lyke the lawes of the *Medes*, and *Perſians*, which are inuiolable, and immutable. And this ſhall ſuffice touching F. *Parſons*, whome, yow ſee, he might with more credit haue left vntouched for ought he hath bene able to proue againſt him. *Dan. 6.*

23. After this he taketh hold of two examples in my *Supplement*, to wit, the puniſhment of *Ananias* and *Saphyra*, and of the inceſtuous *Corinthian*, which I alledged to proue the power of the Church to inflict temporall penalties. Whereof he ſaith thus: *Illa corporalis Ananiæ & Saphyræ interfectio &c. that corporall killing of Ananias, and Saphyra, and the viſible deliuery of the fornicator to Sathan, are to be referred to the grace of miracles: neyther will this Authour ſay, as I thinke, that the Pope hath power to kill wicked men, and malefactors with the word of his mouth.* So he. Wherto I anſwere, that he tryfleth no leſſe in this, then in his former anſwers; for albeit I will not ſay, that the Pope hath power to kill with the word of his mouth, that is to ſay, to do myracles: yet I ſay he hath power to do, & ordaine thoſe things in the Church, which at their firſt inſtitution were teſtified, and confirmed by miracles. *Act. 5. 1. Cor. 5. Viddr. in Admonit. nu. 19.*

24. As for example, I will not ſay that the Pope can giue the holy ghoſt in ſome viſible forme in the ſacrament of *Baptiſme* and *Confirmation*, as the holy ghoſt was giuen in the Apoſtles tyme, yet I make no doubt, but that the Pope may miniſter thoſe Sacraments with the inuiſible effect, and fruite thereof, which was viſibly ſhewed and teſtifyed in the Apoſtles tyme by that myracle; neyther will I ſay *Act. 8. & 10.*

that the Pope can deliuer a man to the *visible* posses-
1.Cor.5. sion of the diuell to be bodily tormented, as *S. Paul* did, when he excommunicated the *Corinthian* and
See cap. 17. nu. 23. & seq. Item Decretum Sacræ Congreg. others; neuertheles I say, that if my aduersary do not reforme, and retract his pernicious doctrine, the Pope both can, and will, ere it belong, excommunicate him, and deliuer him ouer to the *inuisible* power of the diuell: which effect was at the first ordinarily testified by the visible torments of the bodyes of excommunicated persons, *vt castigaretur caro*, saith
Chrysost. Ho. 15. in cap. 5. ep. 1. ad Corinth *S. Chrysostome, that their flesh might be chastised*: so as my aduersary may if it please him distinguish betwixt the miracles, and that which was in the primitiue Church signified, expressed, and testified thereby.

25. And therefore I say, that for as much as it pleased God to testify by the miraculous punishment
(c) Act. 5. of (c) *Ananias*, and *Saphira*, and of *Elimas* (d) the
(d) Ibid. c. 12. Magician (whome *S. Paul* stroke blind) and of
(f) 1. Cor. 5. the excommunicated (f) *Corinthian*, and others, that the Church hath power aswell ouer the body as ouer the soule, it cannot which reason be denyed, but that the power remayneth, although the miraculous manner in the execution of it ceased, when the
S. Greg. ho. 10. in Euang. christian faith was once propagated, and generally receiued, because as *S. Gregory* saith, *Signa data sunt infidelibus &c. Signes, or miracles were giuen* (or ordayned) *for Infidels, and not for the faithfull.*

26. Besides that, it is to be considered for the further explication of this point, that although the punishments were miraculous, and extraordinary, for the manner of them, yet if we consider the punishments themselues, the Apostles exercised therein their ordinary and Apostolicall iurisdiction, as being

the

the ordinary Iudges to whom the chaſtiſement of ſpirituall offences appertayned, which is euident in the puniſhment of the inceſtuous *Corinthian* by the formall and iudiciall ſentence pronounced by the Apoſtle, ſaying: *Ego quidem abſens &c. I indeed abſent in body, but preſent in ſpirit, haue already iudged as preſent, him that hath ſo done, in the name of our Lord Ieſus, you being gathered togeather, and my ſpirit, with the vertue of our Lord Ieſus, to deliuer ſuch a one to Sathan, for the deſtruction of the fleſh, that the ſpirit may be ſaued in the day of our Lord Ieſus Chriſt.* Thus did the Apoſtle fulminate his terrible ſentence of excommunication, ſhewing, and exerciſing his Apoſtolicall authority. 1. Cor. 5.

27. And the ſame is alſo to be vnderſtood concerning the corporall puniſhment of *Ananias* and *Saphira*, in which reſpect *S. Chryſoſtome* ſayth, that *Petrus faciebat terribile iudicium*. Peter executed a terrible iudgment vpon them, and *S. Hierome* ſayth, that, *meruere ſententiam Apoſtoli*, they deſerued the ſentence of the Apoſtle: and the Author of the booke *de mirabilibus Scripturæ*, amõgſt *S. Auguſtines* workes, ſayth, that *Petrus ligauit &c. Peter* did bind *Ananias*, and his wyfe with the band of death, *vt authoritas Apoſtolica quanta eſſet oſtenderetur*, that it might appeare how great was the Apoſtolicall authority. *S. Chryſoſt. in hunc locum. S. Hieron. ep. 150. ad Hedibiam quæſt. 2. in fine. Apud Aug. lib. 3. cap. 16.*

28. But heere perhaps my Aduerſary will ſay, that if *S. Peter* exercyſed his Apoſtolicall power, and iuriſdiction therein, it followeth, that the Pope or other Eccleſiaſticall iudges, may alſo giue ſentence of death, yea execute it vpon ſuch as deſerue it, which is contrary to the cuſtome, and Canons of the Church. Whereto I anſwere, that for as much as

at that tyme there were no Christian Princes, or Magistrates to do iustice in that kind, and that it was necessary in the beginning to inflict such an exemplar punishment vpon those two hypocrits for the terrour of others, *S. Peter* thought good to performe it himselfe, although afterwards when Christian religion was further propagated, and Christian Princes held it for an honour to them to serue God, and his Church with their temporall Lawes, and power, the Church thought it needlesse to inflict bloudy penalties; not because it might not do it, if it would, but because it seemed more decent, and conuenient for lenity of a pious Mother to abstayne from the same, and to vse more myld, and lesse rigorous punishments; in which respect the Church hath alwayse retayned the vse of some temporall and corporall chastisments, although she haue restrayned her ministers by *Canons*, and constitutions from the effusion of bloud, remitting the iudgment, and execution thereof, wholy to the secular Magistrates, who haue by their Lawes sufficiently prouided for the execution of iustice in that kind.

29. And truly I cannot but wonder, that any man of iudgment can thinke it vnlawfull for the supreme spirituall Pastor to punish his sheep, or subiects in their bodyes, or goods, seeing that it cannot be denyed, but that he is their Pastor, and superiour, in regard not only of their soules, but also of their bodyes, that is to say, of their whole persons, wherin their body is necessarily included; and therfore for as much as euery man is bound to serue God no lesse with his body, then with his soule, and that the body

body concurreth with the ſoule, to the execution of all externall works, good and bad, and ſhalbe eyther glorifyed, or tormented eternally togeather with it; no man can with reaſon deny, but that he who hath the direction, and gouernment of the whole perſon, for the eternall good thereof, may puniſh the ſame as well in the one part, as in the other (as alſo in what els ſoeuer is acceſſory to the ſayd perſon) when the ſame ſhalbe requiſit for the eternall good, and ſaluation thereof.

30. So as reaſon it ſefe may teach vs, that the *Apoſtolicall* power, and authority extended it ſelfe to the puniſhment, not only of the ſoule, but alſo of the body, and goods, when occaſion required. And this I hope, may ſuffice for the confutation of my Aduerſaryes anſwers, concerning the Lawes of God, and Nature; and therefore I will now briefly examine what he ſayth concerning the Law of Nations, and the Ciuill, or Imperiall Law, which ſhalbe the ſubiect of the next Chapter.

THE

THE ANSVVERES OF THE

Aduersary to the Authors Arguments, grounded on the Law of Nations, & Ciuill Law, are examined, and proued to be very idle and friuolous.

CHAP. VIII.

VViddr. nu. 20.

SEPTIMO, sayth my Aduersary, *Ex iure gentium nihil aliud probat hic Author* &c. Seuenthly, this Author proueth nothing els by the Law of Nations, but that all people euer held religion in the higheſt price, or eſteeme, and preferred it before policy; but that the Prieſts of the Gentills had power (as they were Priſts) to puniſh any man with death, or the depriuation of all his goods, it did not proceed from the Law of nature, granting ſuch authority, but from the municipall Lawes of the Gentills, the which

which *Cicero* (whom this Authour citeth) doth moſt manifeſtly confirme, ſaying, that it *was diuinely inuented, and ordayned by the ancient Romans, that their Biſhops ſhould haue the cheife commaund, both in matters belonging to the Common wealth, and to the religion of the immortall Gods*. As for the Ciuill Law this Authour confirmeth by it, only that the Biſhop of *Rome* is the ſupreme Gouernour of the Church in ſpirituall things. Thus ſayth my Aduerſary. Pro domo Iua.

2. But if thou haſt well noted, *good Reader*, what was the effect and ſubſtance of my diſcourſe concerning the Law of Nature, thou wilt eaſily diſcouer the weaknes of this anſwere. For whereas he would proue, by *Cicero's* words alledged by me, that the authority of the pagan Prieſts to puniſh the ſupreme ſecular Magiſtrats with death, or depriuation of goodes, proceeded not from the Law of Nature, but from the municipall Lawes of the Gentills, I muſt deſire him to call to mind what was my inference vpon the words of *Cicero*, and the examples by me alledged; to wit, that this Law, and cuſtome amongſt the *Romans* had no other ground in their opinion, but the Law of Nature, becauſe they hauing no other light to guide them, but the light of reaſon, held it to be moſt conforme to Nature, that religion ſhould be preferred before policy, and temporall things ſubordinate to ſpirituall, by the ſame reaſon that things leſſe perfect, are inferiour to the more perfect, the body to the ſoule, earthly things to heauenly, men to Angells, and the lyke.

3. So as albeit I do not deny but that their cuſtome proceeded from their municipall Law, yet it doth not follow thereon, that it did not alſo proceed

from the Law of Nature, but rather the contrary; becauſe their municipall Law in that point had no other ground but the Law of Nature, which moued them to make that Law.

4. For although the law of nature could not teach them the myſteries of chriſtian religion, nor in what manner God was to be worſhipped and ſerued, in which reſpect they both might, and did erre in thoſe things which pertained to particuler poynts of religion (as alſo all other nations did, which had not the light of grace) yet not only they, but alſo all other nations, being enlightned by nature, agreed in certayne generall principles touching religion, as concerning the neceſſity and dignity therof, and that all humane actions ought to be leuelled, and directed by the ſquare, and rule of religion, and referred thereto, as to their end; where vpon neceſſarily followed the ſubordination, and ſubiection of temporall things to ſpirituall, and of the ciuill, or politicall Society to the religious, in matters that touch religion: and all this I explicated further in my *Supplement*, when I treated of the law of Nations in particuler, in theſe words.

« 5. Firſt then it is to be conſidered that human « law, is commonly deuided into *Ius Gentium*, *Ius* « *Ciuile*, and *Ius Eccleſiaſticum*, *vel Canonicum*, the law « of Nations, the Ciuill law, and the Canon, or Eccle- « ſiaſticall law. And as for the law of Nations (which « is a human law, ſo eaſily, and directly deduced from « the very principles of nature, that all nations do « receiue, and admit it) it is manifeſt, that it cannot « diſſent from thoſe infallible grounds which I haue « layd already, as well out of the law of nature, as out

of

of the law of God, eſpecially ſeeing that there » is nothing wherein all Nations doe more vniformely » agree, by the very inſtinct of nature, then that all » temporall things are inferiour to ſpirituall things, » and ſubordinate thereto; whereupon it neceſſarily » followeth, that all the temporall ſtates of temporall Princes, are ſubordinat to the Church, and to » the head therof, and to be diſpoſed by him, when » the good of the Church ſhall ſo require, as I haue » amply declared: and therefore *Vlpian* the Lawyer, » affirming that *Ius Gentium*, the law of nations, is that » which is common only to men, putteth for exampla, *Religio erga Deum*, Religion towards God; giuing to vnderſtand that all Nations, and People do » agree in nothing more, then that due honour is to be » giuen to almighty God, which is not done when » any thing is preferred before his ſeruice, or when » temporall things are not ſubordinate to ſpirituall, » and due reuerence, reſpect, and obedience giuen to » his immediate Miniſters. »

6. This is manifeſt by the generall conſent, and » practiſe of all nations who haue alwayſe preferred » diuine things before humane, and ſpirituall things » before temporall, as in *Æthiopia*, where the Prieſts determined of the lyfe or death of the Kings, in ſuch ſort, that when the Prieſts ſignified vnto them, that is was Gods will they ſhould dye, they preſently killed themſelues. Alſo in *Ægipt*, none could be king except he were a Prieſt. And the lyke cuſtome was alſo obſerued amongſt the *Goths* whyles they were Paynimes; and amongſt the *Gaules*, the *Druides* who » were their Prieſts, had in their hands the chiefe » mannage of publyke affayres, deciding all contro- »

Baptiſta Fulgoſ. lib. 1. Olaus Mag. lib. 14. cap. 6. Cæſar comment. de bello Gal. lib. 6.

« uerfies, and iudging all ciuill, and criminall cauſes,
« excommunicating ſuch as would not obay them, and
thoſe that were ſo excommunicated, were abhorred,
(d) *See ca. 6. nu. 10* and deteſted of all men. I haue alſo ſignified (d) be-
fore, what authority, and commaund the chiefe
Biſhops, and *Augurs* had in the Roman common-
« welth, aboue the Conſuls, and temporall Magiſtrats,
when conſideration of Religion occurred in matters
Val. Max. lib. 1. cap. 1. of State: whereupon *Valerius Maximus* ſaith, *that*
the Roman common welth alwaies preferred religion before
« *all things, euen in men of the hyghest degree, dig-*
« *nity and maieſty; and that their Empire did willingly ſub-*
« *mit it ſelfe, and obay in matters of religion, eſteeming*
« *that it ſhould in tyme arriue to the ſouereignty of humane*
« *gouernment, if it did well, and duly ſerue the diuine power.*
« Thus ſaith *Valerius* of the preheminence, and ſoue-
« raignty of religion in the Roman Common-welth.
« 7. And as for the time of the Roman Emperours,
« though moſt of them were extreme Tyrants, and did
« condemne as well all diuine, as humane lawes: yet
« all of them ſeemed to acknowledge the ſoueraignty
« of Religion, in that they tooke vpon them the title,
« and dignity of chiefe Biſhops, becauſe no man ſhould
« haue any authority ouer thē, as the Biſhops had ouer
« the Conſuls in the Roman Cōmonwelth; and yet ne-
Baptiſt. Fulgoſ. lib. 1. cap. 1. uertheles we read of *Alexander Seuerus*, that he ſuffered
an appellation from himſelfe to the Biſhops, and that
they reuerſed his ſentence, when it ſeemed to them,
Leonclau. in pandect hiſt. Turc. cap. 34. that equity and iuſtice required it. And hereto may
be added what great reſpect the Emperours of the
Turks, and *Perſians* beare at this day to their chiefe
Theuet. coſmo g. lib. 17. ca. 7 Biſhop, who hath power to abrogate any law made
by them, if it ſeeme to him to be repugnant to the
Alcoran,

Alcoran, ſo that by all this it appeareth that how ſoe- »
uer all Natiõs haue differed amongſt thẽſelues in par- »
ticuler rites, and ceremonies of Religion, yet they »
haue all agreed in this generall principle of nature, »
that there ought to be in all Cõmon-welths a due ſu- »
bordi ation, and ſubiection of humane things to de- »
uine, of Policy to Religion, and of the temporall Ma- »
giſtrate to the ſpirituall, in matters that appertayne »
any way to Religion: whereupon it followeth, that »
Ius Gentium, the law of Nations, being grounded »
vpon the principles of nature, cannot patronize, or »
admit an Oath whereby a temporall, and ſecular »
Prince ſhalbe exempted (in matters that concerne »
religiõ) from ſubiectiõ to his ſpirituall Paſtours, & »
ſpecially to the ſupreme Paſtour of Chriſts Church. »

8. Thus ſaid I in my *Suplement* concerning the law of *Nations*, whereby it appeareth that the ſayd law (which is deduced directly from the law of nature) teacheth, and confirmeth not only the ſupreme dignity of religion in the Cõmon-welth, but alſo the ſubordinate, and ſubiection of the temporall ſtate to the Religious, eué in temporall matters that touch Religion; and that the cuſtome, and municipall law of the *Romans* ordayning the ſame in their common-welth, was moſt conforme to the law of nature, being deduced directly from the knowne principles therof, which by the light of naturall reaſon were manifeſt to the Philoſophers, and wiſe law-makers amongſt the *Paynims*; and therfore whereas my aduerſary aſcribeth the preheminence of religion in the Common-wealth of the Romans to a municipall Law, denying it withall to proceed from the Law of Nature, which was the ground of that Law, he

ſpeaketh as probably as if he ſhould aſcribe an effect wholy to the ſecond cauſe, and deny it to proceed from the firſt. So as it is euident, that he hath anſwered as improbably, and impertinently to my arguments drawne from the law of Nations as to the former, grounded vpon the Law of Nature.

9. And as for the Ciuill Law, whereas he ſayth only that I haue proued nothing els therby, but that the Pope is the ſupreme ſuperiour of the *Church in ſpirituall matters*, he is to vnderſtand, that albeit I haue not directly proued any thing els by the Ciuill Law, yet I haue alſo thereupon inferred the extenſion of his power to temporall things by a neceſſary conſequent. For hauing concluded that the Imperiall, or Ciuill *Law doth not only eſtabliſh the Popes Supremacy, but alſo acknowledge the ſubiection of temporall Princes to him in matters belonging to their ſoules, and the good of the Church*, I added this inference.

10. Whereupon it followeth directly that it acknowledgeth alſo, by a neceſſary conſequent, that he may puniſh them temporally in their perſons, and ſtates, when the good of ſoules, and the ſeruice, and glory of God doth require it; according to the rule of the ſayd Law, which I haue touched before, to wit, *that the acceſſory followeth the principall*, and that, *he which hath the greater power, hath alſo the leſſe*. And therefore I conclude, that the Ciuill Law doth no way fauour, ſupport, or iuſtify the Oath, and much leſſe enioyne it, but flatly impugne, and ouerthrow it. Thus ſayd I in my *Supplement*, remitting my Reader for the more ample proofe of this inference, to that which I had before handled concerning

See Supplement. cap. 1. pag. 67. nu. 118.

Ibid. nu. 64. & 65.

ning the ſame, when I treated of the Law of God, which I haue alſo repeated in the 5. (n) Chapter; as alſo I haue examined his anſwers therto, and ſhewed them to be very idle and friuolous; and therefore I may well conclude, that the arguments in my *Supplement*, grounded as well vpon the Laws of God, Nature, and Nations, as vpon the Ciuill or Imperiall Law, do ſtand ſound, and good againſt the Oath; notwithſtanding any thing that my aduerſary hath bene hitherto able to bring to the contrary.

(n) *See cap. nu. 3. & ſeq.*

THE

HOVV IMPROBABLY AND ABSVRDLY,

The Aduersary hath answered the Authors arguments drawne from the Canon Law; and especially from a Canon of the most famous Councell of Lateran, expressly ordayning the deposition of Princes in some cases.

CHAP. IX.

IT resteth now that I examine the *probability* of my Aduersaryes answers to my arguments, grounded vpon the *Canon Law*, and specially vpon a Constitution, and *Canon* of the great, and famous Councell of *Lateran*. Thus then he sayth: *Postremò ad illud Concilij Lateranensis decretum toties inculcatum &c. Lastly, to that decree of the Councell of Lateran so oft inculcated, and vrged, I haue giuen many answers (z) elswhere, which this Authour dissembleth*

(z) In Præf. ad Resp. Apol. nu. 43.

bleth. He insinuateth one of them, and confuteth it most coldly, to wit, that by the name of him that hath not a principall Lord, Emperours, and absolute Kings are not to be understood, but other inferiour Lords, which are subiect to Kings, seeing that the Emperour Frederike made the same constitution almost in the same words fiue yeares after, changing only the spirituall penalties into temporall, who could not understand eyther himselfe, or other absolute Princes. So he: and then addeth further.

2. *Whereupon I gathered probably, that those wordes,* Non habens Dominum principalem, *not hauing a principall Lord, could not comprehend Kings, and absolute Princes, who, except they be namely expressed in penall Lawes, are not to be understood as comprehended therein. And to say that the Emperour did not comprehend Kings in those words, and that the Pope did meane to do it, is a bare saying, & no demonstration; for if that Synod (of* Lateran*) would haue comprehended supreme Princes in that decree, it might haue called them as well by the proper names of Princes, as by the generall names of principall Lords, or of such as haue not principall Lords, especially seeing that the same Councell did in other decrees vse the peculiar names of Princes.* Thus sayth he.

3. Now then for as much as all our question here is, concerning the Canon of the Councell of *Lateran*, and that some of those who may read this reply, haue neuer seene that *Canon*, or my *Supplement*, I thinke good to set downe here, what I sayd in my *Supplement* concerning that Councell, and *Canon*; therefore hauing declared that the Councell of *Lateran* was gathered by the generall consent as well of the *Greeke*, as of the *Latin* Church, and of the Emperours of the East, and west Empyre, I

S Anton. tit. 19. § 6. Paul. Aemil. l. 6. Naucl. Generat. 41. Blondus dec. 2. l. 6. in fine Platina in Innocent. 3. Concil. Lateran. sub. Innoc. 3. Tom. 3. Concil. Matth. Pariſ. & VVeſtmonaſt. an. 1215. Can. 3. Suppl. c. 6. nu. 2.

added that there were preſent thereat the two Patriarks of *Conſtantinople*, and *Hieruſalem*, and the ſubſtituts of the two other Patriarks of *Alexandria*, and *Antioch*, 70. *Archbiſhops*, *Greekes* and *Latins*, 412. Biſhops, and 800. other Prelats, that is to ſay aboue 1200 in all: beſids that there aſſiſted alſo the Embaſſadours, not only of the *Roman*, and *Greeke* Emperours, but alſo of the Kings of *Hieruſalem*, *England*, *France*, *Spaine*, *Hungary*, and *Cyprus*, and of other abſolute Princes. So as I conclude, that it was the greateſt, and moſt generall Councell that euer was aſſembled in the Church of God: then I added further as followeth.

4. This was the great Councell of *Lateran* held vnder *Innocentius* the third, in the yeare of our Lord 1215. wherein it was decreed thus: *Si Dominus temporalis* &c. If any temporall Lord being required, & admoniſhed by the Church, ſhall neglect to purge his Land from the filth of Hereſy, let him be excommunicated by the *Metropoliton*, and other Biſhops of the ſame Prouince; and if he ſhall contemne to giue ſatisfaction within a yeare, let the ſame be ſignifyed to the chiefe Biſhop, that he may then preſently denounce his vaſſals to be abſolued, or freed from their fidelity, or allegiance, and expoſe his Land to be take by Catholiks; who when the heretiks ſhalbe rooted out, may poſſeſſe the ſame without contradiction, & conſerue it in the purity of faith; the right of the principall Lord being reſerued, ſo that he giue no obſtacle to this, nor put any impediment thereto. The ſame Law neuertheles being in force concerning thoſe which haue no principall Lords. Thus farre, the decree of this *Oecumenicall* Councell, aſ-

ſembled

ſembled by the conſent of all Chriſtendome: wher- »
in, you ſee, not only the Popes authority to depoſe »
Princes was auowed, & acknowledged; but alſo the »
practiſe thereof expreſly ordayned, and determined »
when Princes ſhall neglect their duty to purge their »
ſtates of hereſy, and contemne withall the Eccle- »
ſiaſticall cenſures. »

5. Thus ſayd I in my *Supplement*, and now to come to his anſwere, firſt he chargeth me (as thou haſt ſeene, *good Reader*) to haue diſſembled many anſwers which he made els-where concerning this Canon. Secondly, he ſayth, that I haue neuertheles inſinuated one of them, and anſwered it moſt coldly; and thirdly he layeth downe his ſayd anſwere with ſome other reaſons, why he thinketh it to be probable, that abſolute Princes are not comprehẽded in that *Canon*. Whereto I anſwere; that I wonder vpon what ground he could charge me with the diſſimulation of his former anſweres, which I proteſt I neuer ſaw, vntill I chanced to haue a view of this his laſt Treatiſe (I meane his *Theologicall diſputation*) wherto is annexed the other which he mentioneth; for truly if I had ſeene thoſe anſweres whereof he ſpeaketh, I would not haue paſſed them ouer with ſylence, no more then I paſſed M. *Dunnes*, and ſuch other as were then come to my knowledge.

6. And as for my cold anſwere, I cannot ſee how it could be eyther cold or hoate, to an argument which I had neuer ſeene, but how hoatly, and wiſely he hath argued for his part, it may appeare partly by the argument it ſelfe, and partly by my diſcourſe in my *Supplement*, which he will needs take for an anſwere thereto. His argument you ſee, is, that for as

much as the Emperour *Frederick* made the same constitution fiue yeares after the Councell of *Lateran*, almost in the same words, changing only the spirituall penalties into temporall, therefore he did not meane to include therein eyther himselfe (who was free from the subiection of lawes) or els other absolute Princes, who were not subiect to him. Thus argueth he.

7. But how doth it follow hereon, that the canon of the Councell of *Lateran* did not include him, and all other Princes? for albeit they were free from all temporall lawes, yet being members of the Catholyk Church, they were subiect vnto the Lawes of that Councell, & the rather for that their Embassadours being present there, eyther ratified the decrees therof, or at least did not contradict them. But to the end, that this controuersy betwixt my aduersary and me, concerning the Emperour *Fredcriks* Law, may be the better vnderstood, I think it not amisse to lay downe what I haue already sayd concerning the same in my *Supplement*, where I proued against M. *Iohn Dunne*, that the said Law was so farre from preiudicing any way the *Canon* of the Councell, that it doth notably confirme it; to which purpose I said thus.

8. Thou shalt therefore vnderstand *(good reader)* that *Frederik* the second Emperour of that name, being in the beginning of his raigne an obedient chyld of the Church, and willing to giue publik testimony thereof to the world, thought good to imitate the example of many of his predecessors, as well in the confirmation of the liberties, and priuiledges of the Clergy, as also in imploying his Imperiall authority in the extirpation of Heresy. And for as much as this Coun-

cell

cell of *Luteran*, had then lately before, promulgated »
dyuers Canons to both thoſe ends, he publiſhed alſo »
certaine conſtitutions on his part, with manifeſt rela- »
tion to the Canons of the Councell. For wheras the *Concil. Late-*
Councell complayned of the ſmall charity of ſome *ran. ſub*
ſecular Princes, and Potentates, who had made *Innoc. 3.*
Lawes, and conſtitutions in preiudice of the Eccle- *can. 44.*
ſiaſticall immunities, and priuiledges (which Lawes *& 46.*
alſo the Councell did wholy abrogate, and diſanull) *Tom. 4.*
the Emperour in lyke manner, in the Preface to his *Concil.*
Lawes, lamenteth of the iniquity of ſuch Potentats, *See conſti-*
and being deſirous (as he teſtifieth) that the Church *tut. Fred.*
might enioy *plena quiete, & ſecura libertate, ful quietnes,* *s. Ad*
and ſecure liberty, abrogated by his firſt decree all *Decus &*
ſuch conſtitutions, as any Citties, Places, Conſuls, *honorem.*
or other Potentates within the Empire had made a- »
gainſt the liberties of the Church. »

9. And this he ordayned vnder great penalties »
of infamy, baniſhment, and confiſcation of goods, »
Saluis nihilominus (ſaith he) *aliis pœnis contra tales* *Ibid. 6.*
in generali Concilio promulgatis: reſerving nuertheles Nos Fre-
the other penalties promulgated againſt ſuch perſons in the dericus
generall Councell. So he; meaning by the general Coun- Impera-
cell that of *Lateran*, which was held but a few yeares tor.
before he made theſe Conſtitutions; and therefore »
for as much as that moſt famous generall Councell, »
having been held ſo lately before, was then freſh in »
euery mans memory, it was needles to name it more »
particulerly, which had byn requiſit, if he had meant »
any other Councel. Beſides that the Councell of *Con-* »
ſtance laieth downe the ſubſtance of the 46. Canon »
of the ſaid Councell of *Lateran* made in fauour of the *Conc. Conſtant. in fine.*
liberties and immunities of the Church, and alſo

« maketh mention of this Law of *Frederick*: and in re-
« lating the same setteth downe particulerly the clause
« aboue mentioned, to wit, *Saluis nihilominus aliis*
« *pœnis &c. Reseruing neuertheles the other penalties, pro-*
« *mulgated against such in the generall Councell*. Whereby
« it is euident that those Imperiall Constitutions of
« *Frederick* haue a speciall relation vnto the Canons of
« the Councell of *Lateran*, and that they were made in
« confirmation therof.

« 10. This also appeareth by the other decrees en-
« suing, wherin the Emperour eyther followed exact-
« ly the sense, meaning, and substance of some *Canon*
« of the Councell, or els vsed the very words thereof,
« so farre forth as they might stand with the style, &
« forme of an Imperiall law, as it may be seene not only
« in the fragment alledged by M. *Dunne*, but also in
« diuers other parts of those Constitutions, as in that
« which concerneth the receiuers, abetters, and de-
« fenders of Heretiks, beginning alyke in the Impe-
« riall Constitutions, & in the Canon of the Councel,
Concil. Lateran. c. 3. §. Credētes verò: Constit. Freder. §. Credētes præterea.
to wit, *Credentes præterea, receptores, defensores, & fautores Hæreticorum &c.* and the only difference betwixt the one, and the other is, that the Councell saith, *excommunicationi decreuimus subiacere:* we decree them to be subiect to excommunication; and the Emperour in his Constitutions saith, *Bannimus, We do out-law them*, because it did not belong to him to excommunicate. And againe the Councell in the
« end of that *Canon* imposeth a penalty vpon Clergy
« men; which the Emperour doth not in his Consti-
« tution, because they were exempt from his Iurisdi-
« ction; and in all other things the *Canon*, and *Consti-*
« *tution* do agree word for word.

« 11. The

11. The like alſo may be obſerued in the *Conſtitution*, and *Canon*, concerning ſuch as are only ſuſpected of *Hereſy*, beginning both alike, to wit, *Qui autem inuenti fuerint ſola ſuſpitione notabiles &c.* and differing only in that the Canon expoſeth them to excommunication, if they do not cleare themſelues within a yeare; whereas the Imperiall law inflicteth the penalty of infamy, and baniſhment. Alſo the ſame forme, and ſtile is kept in another *Conſtitution*, touching an Oath to be taken by all Magiſtrats, to do their beſt endeuour to exterminate heretiks; & finally to come to the *Conſtitution* wherof we now ſpecially treat, it ſeemeth that the ſame is no other, then, as it were, a tranſcript, or copy of that *Canon* of the Councell concerning the depoſition of Princes *mutatis mutandis*, I meane, except only in ſuch things, as could not agree with the forme of an Imperiall Law, or exceeded the power of a ſecular Prince.

Concil. Lateran. cap. 3. Conſtit. Frederici.

12. Therefore wheras the *Canon* ordayneth that the *Metropolitan*, and other Biſhops, ſhould excommunicate ſuch Princes, as would not purge their Countryes of hereſy, and afterwards alſo (if they remayned obſtinate) denounce them to the Pope, to the end he might abſolue their ſubiects from their allegiance, and expoſe their ſtates to be taken by Catholikes: the Emperours *Conſtitution* maketh no mention of *Excommunication*, or *Denuntiation*, as neyther compatible with his temporall power, nor conforme to the ſtyle of the Imperiall Lawes, and therefore he ſaith only inſteed therof, *Poſt annum à tempore admonitionis elapſum &c. After a yeare paſt from the tyme of the admonition, we do expoſe his Land to be taken*

Concil. Lateran. c. 2. §. Si verò Dominus temporalis.

Conſtit. Fred. §. Si verò Dominus temporalis.

« *taken by Catholiks*, and in this only consisteth the dif-
« ference of the *Canon*, and the *Constitution*, for in all
« other things they are all one.

13. Thus sayd I in my *Supplement*, and afterwards hauing occasion to satisfy an obiection of M. *Dunne*, touching these words in the Emperours law, *exponimus terras illius Catholicis occupandas*, we expose his Land to be taken by Catholiks (which words M. *Dunne* vrgeth to proue that the Emperour tooke the authority out of the Popes hands) vpon this occasion, I say, I shewed that 5. seuerall Popes, to wit, *Honorius* the 3. *Alexander* the 4. *Innocentius* the 4. *Vrbanus* the 4 and *Clement* the 4. knowing right well that the said *Constitution* of *Frederike* might greatly auayle, and helpe to purge the Empyre of Heresy (yea and ease them of the labour, enuy, and murmuration which might be incident sometymes to the deposition of some Prince within the Emperours dominion) did ratify, and confirme it no lesse, then his other lawes made in fauour of the Church, which they would neuer haue done, if he had sought therby to take any authority from the Sea Apostolyke, or to preiudice the *Canon* of the Councell. Thus discourssed I in my *Supplement*.

14. Whereby it is cleare that this Law of the Emperour *Frederike* was no way preiudiciall to the Canon of the Councell, but a notable confirmation of it, ordayning the like to be practised, and executed in his dominions in fauour of the Church, to shew his obedience thereto, and to the Councell of *Lateran*; and therefore whereas my Aduersary will needs perswade his Reader that those generall words

Dominus

Dominus temporalis, *Dominus principalis*, & *non habens Dominum principalem* (which are vſed alyke in the *Canon*, and in the Emperours law) haue lyke reſtriction in both, he ſheweth himſelfe to be very abſurd.

15. For what can be more cleare, then that all Lawes are limited according to the power of the Prince who maketh them, and that therefore the obligation of euery Princes Lawes is extended only to his owne ſubiects? whereupon it followeth neceſſarily, that albeit the *Canons* of generall Councells, being made in generall termes, do comprehend all Chriſtian men, as well abſolute Princes, as others (becauſe they are all ſubiect thereto) yet the Lawes of temporall Princes being made in the lyke, or in the ſame generall tearmes, can comprehend none but their owne ſubiects; and this being ſo, what an abſurd argument hath my Aduerſary made, who becauſe the words are all one in the *Canon* of the Councell, and the Law of the Emperour will reſtrayne the ſenſe of the *Canon* to the limits of the Emperours temporall power, which could not exceed his owne Dominion?

16. And therefore though the words *Dominus temporalis*, or *principalis*, or *non habens Dominum principalem* be generall in his Law, yet they can be vnderſtood of none, but ſuch as being his ſubiects, held their Lands or ſtates of him, or of ſome other in his Dominions (in which reſpect Kings and other temporall Princes, which held not of the Empyre, could not be comprehended therein) though the ſame generall words in the *Canon* muſt needs comprehend, as well all Emperours, Kings, and abſolute Princes,

as other inferiour Lords, becauſe all of them being *Domini temporales*, are ſubiect alyke to the decrees of a generall Councell.

17. So as, you ſee, what *probable* arguments this man giueth vs, whyles neuertheles nothing will ſatisfy him from vs, but *demonſtrations*; and therfore whereas I ſignifyed all this in effect in my *Supplement*, he taketh no formall notice of it, but only, as it were glaunceth at it in a word or two ſaying, as you haue heard before, *Dicere Imperatorem* &c. *to ſay that the Emperour did not include Kings in thoſe words* (of his Law) *and that the Pope did meane to do it* (in the Canon) *is to ſay ſo, but no to demonſtrate it*. So he requiring, as you ſee, *a demonſtration* of this point, and craftily concealing, and diſſembling the reaſon that I gaue for my aſſertion, in my *Supplement*, as if I had giuen none at all but only had barely ſayd, that *Dominus temporalis* in the Emperours Law, is not to be vnderſtood of Kings, as it is to be taken in the *Canon*; whereas, you ſee, the reaſons which I haue giuen of the difference of the one and the other (being grounded vpon the different power of the generall Councell, and the Emperour) is ſo pregnant, and cleare, that it may ſerue for a *demonſtration* to any Catholike man of Iudgment.

18. For I thinke it is not more cleare to any ſuch, that two, and two make foure, then that *Dominus temporalis* is a generall tearme, including abſolute Princes, as well as other Lords, and that they are included in thoſe words of the *Canon*, becauſe they being members of Chriſts Church, are as ſubiect to a generall Councell, as the meaneſt temporall Lord in Chriſtendome: as alſo it is no leſſe cleare that

Dominus temporalis in the Emperours constitution, can be extended no further then to such temporall Lords, as were some way subiect to him, which my Aduersary himselfe acknowledgeth, albeit he absurdly denyeth that the same words in the *Canon* are to be vnderstood of Kings.

19. But perhaps he will say that he hath added another reason to fortify the same, which was (as you haue heard before) that Kings, and absolute Princes are not included in penal Lawes, except they be specifyed therein by the name *of Princes*, for so indeed he saith, inserting the same cunningly into his inference, to make his argument (grounded on the Emperours Law) to seeme the more probable; and therefore hauing sayd that the Emperour could not vnderstād eyther himselfe, or other absolute Princes, by the *name of one that hath no principall Lord*, he concludeth, *ex quo probabiliter collegi &c. whreupon I gathered probably, that those words, non habens Dominum principalem, not hauing a principall Lord, could not comprehend absolute Princes, who are not to be vnderstood, as included in penall lawes, except they be namely expressed.* Thus saith he, slyding subtilly, as you see, frō the Emperours Law, & the reasō groūded theron, to the priuiledges of Princes, which belongeth to another questiō, & shalbe fully debated & cleared, as I hope, in the next Chapter, & in the meane tyme I conclude for the presēt, that in all this he hath shewed himselfe very absurd, & that my cold answere, as he tearmeth it, would haue byn hoate inough to dissolue his frozē, & friuolous argument, if he had not wholy dissēbled the force, and substance of my discourse in my *Supplement*, concerning this point. *See before nu. 2.*

THE CONFVTATION OF A MOST

improbable and absurd exception taken by the aduersary to the Canon of the Councell of Lateran, *from the which he exempteth absolute Princes, because they are not expresly mentioned therein by the name of Princes.*

CHAP. X.

YOv haue heard in the last Chapter, how my Aduersary teacheth, that the Canon of the Councel of *Lateran* cõcerning the deposition of *temporall Lords*, doth not comprehẽd *Kings*, & absolute Princes, because they are not namly specifyed therein, *Qui*, sayth he, *nisi nominatim exprimantur in legibus pœnalibus, intelligendi non sunt: who are not to be vnderstood as included in penall Lawes, except they be expressed by name.* So he, which he also more amply affirmeth in the *Prefate to his Apologeticall* answere (b) *num.* 2.

swere (whereto he remitteth me, and his Readers) for there he seemeth to ground his opinion in this point, vpon the *rules of the Lawes*, saying that *secular Princes are not signifyed in penal Lawes vnder the general names of Lords, Magistrats, and temporall Iudges, iuxta regulas Iuris-prudentium, according to the rules of the Lawyers*: whereto he addeth also for examples sake, that an *Abbot* is not comprehended in the penall Lawes vnder the name of a *Monke*, nor a *Bishop* vnder the name of a *Priest*, nor the *Pope* vnder the name of *Bishop*, because, sayth he, *in panis benignior pars eligenda sit, & odia restringi, fauores ampliari conueniat*, the more benigne or myld part is to be chosen in penalties, and it is conuenient that odious things be restrayned, and fauours amplifyed, or enlarged, So he.

VVidring. Apologet. Relp. Præfat. nu. 44.

2. Whereto I answere; that whereas he sayth that Princes are not comprehended in penall Lawes except they be specifyed by the name of Princes, I say first, that if this were true, this absurdity would follow thereof, that absolute Princes should be exempted from diuers Lawes, and Canons, wherein all the world hath hitherto held them to be included, as from the *Canon* of the Councell of *Lateran*, ordayning (c) that *omnis vtriusque sexus fidelis &c.* *euery Christian of both sexes shall confesse, and communicate at* Easter, vpon paine of excommunication, and want of Christian buriall: as also from the *Bulla de Cœna Domini*, and from the Canon (d) *Si quis suadente*, forbidding the laying of violent hands vpon Clergy men, and diuers other generall constitutions, from the which they were neuer yet exempted in the opinion of any man.

(c) *Concil. Latern. 4. can. 21.*

(d) *cap. 17 quæst. 4.*

3. Secondly, I say, that he might haue donne well to haue told vs, or at least quoted in his margent (as he doth not) in what Lawyers we may find that priuiledge, or exemption of Princes whereof he speaketh; for sure I am, that they who write of the priuiledges of Princes make no mention thereof, as may be seene in *Restaurus Castaldus*, who setteth downe aboue a hundreth priuiledges of the Emperour, and yet doth not mention any such; besydes that, I find the opinion of Lawyers expresly contrary thereto. For whereas the famous Canonists and Cardinall *Hostiensis* (who wrote aboue 300. yeares agoe) sayth that *deponitur hæreticus &c. an heretike is deposed from all dignity, whether he be a Clerk, or a lay-man, Pope, Emperour, or any inferiour*, he alledgeth for the same three Lawes, whereof the second and the third do directly proue our intent.

Restau. Castald. Quæst. 110 de Imper.

Hostiens. in Sum. lit. de Heretic. §. Qua pœna nu. 9.

4. For the second is an ancient Decree of *Liberius* the Pope, wherein he ordayned that, *Qui contra Ecclesiæ pacem sunt &c. They who are against the peace of the Church, if they haue any dignity, or the military girdle, let them be depriued of it: if they be priuate men, and yet nobly borne, let them forfeyt all their substance, or goods, but if they be ignoble, or base people, let them be not only whipped, but also banished*: which I wish my Aduersary well to note for two respects, the one for that albeit he seemeth to admit the authority of the Ecclesiasticall Canons, yet he denieth often, as you haue heard, that the Church can inflict any corporall, or temporall punishment, which he may see was ordayned by this ancient Decree admitted and set downe in the body of the Canon Law, besides many other cleare Canons and Decrees to the same purpose.

24. Quest. 3. qui contra Eccles. pacem.

The

The other, becauſe he ſayth that Princes are not included in penall Lawes, if they be not ſpecifyed by the name of Princes, whereas neuertheles he may ſee, that this ancient Canoniſt *Hoſtienſis*, includeth them in this Decree, though the tearmes thereof are very generall, without any particuler mention of Princes.

5. And this wilbe much more cleare by the third teſtimony cyted out of the Canon Law by *Hoſtienſis*, which he taketh out of the tytle *de hæreticis*, wherein there is no particuler mention of abſolute Princes by the name of *Princes*, neyther is there, in that tytle, any other Decree concerning their depoſition, but only this Canon of the Councell of *Lateran* now in queſtion; ſo as my Aduerſary may ſee, not only that Kings and abſolute *Princes* haue no ſuch exemption from penall Lawes as he pretendeth, but alſo that they are included in the generall tearmes euen of this *Canon* of the Councell of *Lateran*, in the opinion of a famous *Canoniſt*, who wrote not paſt fifty yeares after the ſayd Councell. And if he ſay that they haue had this exemption or priuiledge ſince that tyme, let him ſhew vs when, and where they had it, which I am ſure he cannot doe, as it may appeare by the *Canoniſts*, who comprehend abſolute Princes in other penall lawes, wherein they are not otherwyſe mentioned then in generall tearmes, as he may ſee in (y) *Simanca* in his Inſtitutions, and (z) *Emericus* in his third part of the Directory, & *Penia* in his (b) *Annotations* vpon the ſame.

Decret. lib. 5. Tit. 7. de Hæret.

(y) *Tit. 23.*
(z) *Quæſt. 31.*
(b) *Annotat. 96.*

6. And wheras he ſeemeth alſo to ground this his deuiſe vpon, two rules of the law, to wit, that *in penall Lawes the mylder, or more fauorable part is to be choſen*

choſen, and that odious things are to be reſtrained, and fauours amplifyed, the ſame is commonly true, when the text of the Law is ſo obſcure, or the caſe ſo doubtfull that two, or more opinions may be probably gathered therof, touching the quantity, or quality of the payne, or how farre, and to whome the ſame is to be extended; for in theſe caſes of doubt, or ſuch like, the more fauourable, or leſſe rigorous opinion is to be followed: but in this *Canon* both the words, and ſenſe are ſo cleare that hitherto no doubt hath byn made amongſt the *Canoniſts*, whether Kings, or abſolute Princes are comprehended therein; beſides that theſe rules haue many exceptions, which are very conſiderable, and haue place in this caſe.

7'. For firſt wheras all the obſcurity that can be imagined in this Canon, and caſe, is in the generall words *Dominus temporalis, & non habens Dominum principalem*, the lawyers teach vs, that *verba generalia non dicuntur obſcura, generall words are not ſaid to be obſcure*. Secondly this rule of reſtriction is not to be vnderſtood *quantum ad vim verborum*, of the force of words, and therfore the lawyers alſo teach that penaltyes are to be extēded as farre as the propriety of words do permit. Thirdly the rule faileth whē the reaſon is expreſſed as it is in this Canon. Laſtly the rule holdeth not, ſay the Lawyers, when there is queſtion of *the publike good, or of the fauour of the Church*, of the *faith*, or of *ſoules*; for in theſe caſes, penalties are to be extended, and the law interpreted in preiudice of the delinquent. So as theſe rules do help my Aduerſary nothing at all, ſeeing that theſe exceptions, which are admitted by the Law, do

Philip. Decius de regulis iuris reg. 9. nu. 11.

Idem Ibid. nu. 14. 15. 17.

do clearely exclude the restriction that he requyreth by vertue of the rules.

8. And whereas he giueth an instance without any quotation of Law, or Author, that Bishops, and Abbots are not included in penall lawes except they be mentioned, it is true in Bishops in the case only of suspension, and interdict, from the which they are by an expresse Canon exempted except they be named, as it appeareth in the (d) *Decretals lib. 5. de sententia excommunicationis*, where also the glosse saith expressely that they are not priuiledged from a generall penalty of excomunicatiō because the Pope (who giueth thē the foresaid priuiledge) would not haue them to be exempted from the Canon *Si quis suadente*, and such lyke, which inflict the penalty of excommunication in generall tearmes: and the same is to be sayd of Abbots or any other persons of dignity, to wit, that they haue no exemption from the generall tearmes of penall lawes, except they be priuiledged namely by some expresse Canon: and therfore when my Aduersary shall shew me such a Canon whereby Princes haue the priuiledg that he pretendeth in their behalf, I will grant that he hath reason to exempt them from the Canon of the Councell of *Luteran*. In the meane tyme, he hath no more probability in this point then in the former.

(d) *Tit. 11. c. 4. §. Quia periculosum.*

Glossa ib: in verbum Suspensionis.

9. Finally, wheras he saith that the Synod would haue specifyed Princes by that name, as well in this *Canon* (if it had meant to include them therein) as it did in some other *Canons*, and Decrees concerning other matters, who seeth not the vanity of this coniecture? For why should they be named more particulerly then they are, seeing that they are sufficiently

comprehended in the generall tearme of *Dominus temporalis*, a temporall Lord, which is alſo ſufficiently explicated in this very *Canon*, wherein we ſee that *a temporall Lord* is deuided into two ſorts, the one, of thoſe that haue principall Lords aboue them, and the other of ſuch as haue none, of which ſort are all abſolute Princes, who *are temporall Lords*, that hold of none; and therfore ſeeing that ſuch are declared by the Canon to be ſubiect to the penalty, no leſſe then thoſe that hold of others, it was needeles to name them in other manner; but belike my Aduerſary will take vpon him not only to interprete the Councell, but alſo to teach it how to ſpeake, and what words to vſe, or els it muſt be of no force.

10. Thus thou ſeeſt, *good Reader*, that theſe few exceptions (being all that he hath taken) to the Councell of *Lateran* in his anſwere to my *Supplement*, are no leſſe vayne, and impertinent, then his former arguments, and anſweres to the reſt of my diſcourſe; and this is as much as at the firſt I meant, and vndertooke to performe; neuertheleſſe for as much, as he hath charged me to haue diſſembled his other anſweres, and arguments touching the Councell of *Lateran* in another worke of his (which as I haue ſignifyed before, I neuer ſaw till now of late) I will take a litle more paynes, and craue thy further patience whyles I examine the validity therof; which I might forbeare to do, if I did write in *Latin*, becauſe the ſame anſweres, and arguments of my Aduerſary, are very learnedly and clearly confuted in *Latin*, as well by M. (d) D *Weſton* in his *Sanctuary* (wherof I haue ſpoken before) as alſo by M (d) D. *Singleton* in an excellent Treatiſe concerning only the

(c) *Iuris Pontif. Sãctuar. quæſt. 27. per totum.*

(d) *Diſcuſſio Decreti &c. nu. 4. & ſeq.*

the Decree of the Councell of *Lateran*, to which two authors I might, and would wholy remit my Reader, were it not that I desire to giue satisfaction in this point, as well to such as do not vnderstand the Latin tongue, as to those that haue not the commodity, and meanes to see the said Treatises: besides that, I shall now and then, vpon some speciall occasions, touch some things which seeme to me very considerable, & are not touched by them, or by any other, for ought I know.

THREE ABSVRD ANSVVERS

of the Aduersary to an obiection made by himselfe for vs, touching the Canon *of the Councell of* Lateran, *are confuted in the* 3. *next ensuing Chapters; and by occasion of his first answere, it is proued in this Chapter, that the consent of temporall Princes is not necessary to the validity of Ecclesiasticall Constitutions.*

CHAP. XI.

MY Aduersary in his Preface to his *Apologeticall* answere to an Englisn *Doctour*, hath not only vrged the argumēts which I haue heere already confuted, but vndertaketh also to answere certayne obiections of ours against the same argumēts, and therfore he obiecteth in our behalfe, that although it were true, that Kings, and abso-

Præfat. ad Resp. Apol. nu. 46.

absolute Princes are not included, principally and by themselues, in that Decree of the Councell, yet it is manifest, that secondarily, and by a consequent they are, or at least may be comprehended therin. *For if the Pope, saith he, haue power to depriue the subiects of other Princes of their states for heresy without the consent of the sayd Princes, there can be assigned no sufficent reason, why he may not also for the same cause depriue the Princes themselues of their Dominions.* Thus argueth he for vs, and not much a misse, and therfore let vs see how he will answere it. *Ib. nu. 47.*

2. He giueth to this obiection three answeres; » his first is, that Popes, and Councells haue decreed » many things touching the politicall, or temporall » state, eyther with the expresse, or secret consent of » the Princes themselues (who were present by their » Embassadours) or els in hope of their ratification af- » terwards. And this he confirmeth with the authority » of *Ioannes Parisiensis*, who saith, that *Hostiensis* trea- » ting of a Decree concerning the confiscation of here- » tiks goods, first asketh what the Pope hath to do » with temporall things; and then answereth, that in » truth they belong nothing at all to him; and that he » made that Decree with the Emperours consent, who » was then present at *Padua*.

3. This is his first answere, wherein, you see, he relyeth specially vpon the authority of *Ioannes Parisiensis*, who grounding his opinion vpon *Hostiensis* alledgeth him to no purpose at all, partly for that no such thing is to be found in *Hostiensis* in the place which he quoteth (to wit, *extrau. de hæreticis, ca. adsuper his. de abolendam*) and partly because *Hostiensis* not only teacheth euidently (m) els where, that the Pope hath a

(m) *Hostiens. in Cap Quod voto & votis. de demp.*

direct Dominion ouer all temporall ſtates (whereupon it followeth that he may diſpoſe therof, and of temporall things, as he ſhall haue iuſt cauſe) but alſo affirmeth, and teacheth expreſſely, that abſolute Princes may be depoſed by the Pope, and their ſtates expoſed, to be taken by other Catholikes, if they be negligent to purge their ſtates of hereſy, and to this end he cyteth this very Canon of the Councell of *Lateran*, wherof we now treate, to wit, *Ca. Excommunicamus. Si verò Dominus temporalis*; yea and addeth further that the Pope may depoſe a Prince for his negligence in his Gouernment, alledging for the ſame not only 17. *q.* 4. *Si quis deinceps*: but alſo the example of *Zacharias* the Pope, who, ſaith he, *depoſuit Childericum Regem Franciæ*, *depoſed Childerike King of France*.

Hoſtienſ. lib. 5. Rubric. de Hæreticis. §. Qua pœna.

4. How then can *Ioannes Pariſienſis*, or any man els truly ſay, that *Hoſtienſis* was of opinion that the Pope hath nothing to do with temporall things? But it is no meruaile if *Ioãnes Pariſienſis* ſhewed himſelfe partiall towards Princes in ſome things concerning the Popes authority, ſeeing that he liued, and was a Reader in *Paris* in the tyme of the troubles betwyxt Pope *Boniface* the eight, and *Philip le Bel*, King of *France*, who being excommunicated by the ſayd Pope and extremely incenſed againſt him, could not want learned men to ſecond his humour, eſpecially ſuch as were his borne ſubiects, and liued within his dominions; neuertheles howſoeuer *Ioannes Pariſienſis* may ſeeme in the words alledged by my Aduerſary to affirme, that the Pope hath no power at all to diſpoſe of temporall things: yet it is cleare that he teacheth els were, that in ſome caſes the Pope may diſpoſe of the temporall goods, not only of Eccleſiaſticall perſons, but

but also of all the faithfull.

5. And of this my Aduersary might haue taken notice when he wrote against me, if it had pleased him, seeing that he was admonished therof by (d) *Sculkenius*, who sheweth that *Ioannes Parisiensis* tea cheth expressely that the Pope being supreme head of Priests, and of all the faithfull, may (as the generall informer of faith, and manners) dispose the goods of the faithfull, and decree them to be exposed so farre forth as the common, and extreme necessity of faith, and manners shall require; and further (f) that if the King be an heretike, and incorrigible, the Pope may not only excommunicate him, but also force the people to depose him, *excommunicando omnes, qui ei vt Domino obedirent*, excommunicating all those which should obay him as their Lord; and againe (g) afterwards, he saith, that if the Prince be an heretike, his vassall is not bound to follow him, and that the Pope may deliuer his subiects from the obligation of their Oath of allegiance, so that the cause be reasonable, and euident.

(d) *Sculkenius* 4. pag. 64. *Ioan Paris de potestate Papali & Regia. c. 7.*

(f) *Ibid. c.* 13.

(g) *Ibid. c.* 16.

6. By all this it appeareth, that albeit *Ioannes Parisiensis* doth giue lesse vnto the Pope then he ought (as *Sculkenius* well noteth) yet he giueth him as much as suffiseth for our purpose, seeing that it litle importeth to the substance of the maine question betwixt our Aduersaryes and vs (which is, whether the Pope may depose a tẽporall Prince) I say it litle importeth how, & in what mãner he may do it (whether by a Iuridicall sentence of deposition, or otherwyse) so as, it be granted that he hath authority to discharge the Princes subiects of their Oath of allegiance, yea and to compell them to depose him, which *Ioannes Parisi-*

Parisiensis expresly teacheth, whereupon it may be inferred that his meaning was in the place before obiected, that the Pope may not dispose of temporall things *directly*, but only *indirectly*, and in some cases; which ouerthrow the foundations of our Aduersaries doctrine touching this question: & this may suffise for him, and *Hostiensis*.

7. And as for the matter it selfe, for the which my Aduersary produced their testimonies (to wit to
nu. 47. proue, that *many decrees of Popes, and generall Councells touching temporall things haue beene alwayes made with the expresse, or secret consent of Princes*, I cannot see what he could gayne, or proue thereby for the question now in hand, if it should be granted him; for would he inferre, that because many things haue beene decreed by Popes, and Councells touching temporall matters, with the consent of temporall Princes, therefore no such thing could be decreed in in the Councell of *Lateran*, without them? who seeth not the weaknes, and absurdity of this inference, seeing that nothing els can follow of those premisses directly but that? As diuers other decrees concerning temporall matters haue bene made with the consent of Princes, so also it may be, that this Canon of the Councell of *Lateran* was made in lyke manner with their consent; which no man will deny; yea we grant willingly not only that it might be so, but also that it was so, and inferre thereupon that for as much as all Christian Princes gaue their consent to this Canon in that famous general Councell (which was, as I may say, the *Parliament* of all Christendome) therefore they are, and euer shalbe subiect thereto, except it be repealed by some other generall

Coun-

Councell of lyke authority.

8. But now how doth it follow, that becauſe this, and dyuers other Canons, concerning politicall matters haue byn ratyfied by temporall Princes, therefore they could not be lawfully made without their conſent? which is the point that my Aduerſary muſt proue, if he will argue to the purpoſe. But how abſurd this is, it may appeare euen by his former grant, and expreſſe doctrine touching the Popes power (n) *to commaund corporall, and temporall things as they ſeruc, or are reduced to ſpirituall*; for this power being ſpirituall (in reſpect of the ſpirituall end wherto it reduceth temporall things) muſt needes be independant of temporall Princes, except we ſhall alſo grant thē a ſupreme ſpirituall authority; beſides that this may be conuinced by the practice of all the primitiue Church in the tyme of the Pagan Emperours, when not only corporall, and temporall things were commaunded by the Church, but alſo temporall, and corporall penalties ordayned without the ratifycation or conſent of any temporall Prince.

(n) *Chap. 2. nu. 1. & 2.*

9. This may appeare by a Decree of Pope (a) *Calixtus* in the tyme of the Emperour *Alexander Seuerus*, whereby as well lay men as Prieſts, and clergy men were forbidden vpon payne of *infamy* to make conſpiracies againſt their Biſhops. And his ſucceſſor (b) *Vrbanus* ordained in lyke ſort the penalty of *infamy*, adding alſo *impriſonment*, and *perpetuall baniſhment* for ſuch as ſhould goe about to vexe and moleſt Churches, and to depriue them of their goods, and poſſeſſions. Alſo a Prouinciall Councell held at *Eliberis* in *Spaine* in the tyme of *Conſtantius* Father to Conſtātin the great & *Galerius*, enacted (c) that men ſhould

(a) *Ep. 2. Calixti. Tom. 1. Concil.*

(b) *Epiſt. Vrbani Tom. 1. Concil. 17. q 4. §. Attendēdum eſt.*

(c) *de Conſecrat. diſt. 2. Omnis homo.*

abstayne from their wyues, not only some dayes before they receiued the Blessed Sacrament (d) but also in tyme of Lent, and Easter, assigning for the later a yeares penance, or to pay 25. shillings to the Church, or to the poore: and in another Canon they ordayned that Bishops, and their Ministers (f) might whip husband-men with rods, for great crymes, to make them do penance, though against their wills, lest they might perish eternally; in which Canons, as also in the former Decrees of the Popes *Calixtus*, and *Vrbanus*, the penaltyes imposed were meere temporall, albeit there was not then, as I haue sayd, any Christian Prince to ratify the same.

(d) *Burch. lib. 19. c. 17. & Iuo. p. 15. c. 83. Vide Binnium tom. 1. Concil. in notis in Concil. Elibert. & Baron. Tom. 2. an. 305. in fine.*

(f) *Burch. l. 11. c. 67. Iuo. p. 14. c. 115.*

10. Heereto may be added the Constitution of the *Apostles* themselues in their Councell held at *Hierusalem*, wherin they imposed vpon the Christians a burden (as they called it) whereof part, was meerly temporall, to wit, to abstaine from bloud, and that which was strangled, *visum est*, say they, *Spiritui Sancto, & nobis* &c. *It hath seemed good to the holy Ghost, and vs, to lay no further burthen vpon you, then these necessary things, that you abstayne from things immolated to Idols, and bloud, and that which is strangled, and fornication*. Thus sayd they in their Canon, disposing, as you see, of a temporall thing by their owne Apostolicall authority, without any hope, or expectation of the consent, or ratification of any temporall Magistrate; as they also did the lyke in the institution of *Lent*, which, as all the Fathers do acknowledge, is an Apostolicall tradition, and consisteth in a meere corporall affliction; and the like may be sayd not only of all the examples alledged by me before (g) cõcerning the practice of the Apostles (partly

Act. 15.

(g) See Chap. 2. nu. 3. & 4.

(partly in (h) corporall punishments, and partly in the disposition (k) of temporall things) but also of the custome of the primitiue Church to impose corporall pennances (l) consisting in fasting, watching, wearing of hayrecloth, and such lyke, which albeit they were temporall things, yet were imposed by the Church vpon her children by her owne authority, though alwayes for a spirituall end; to wit, for the good of soules, and Gods greater glory, and seruice.

(h) *Act.* 5. 6. & 13. (k) 1. *Cor.* 6. (l) *Cypr. ep.* 10. *ad Clerum. Tertullian de pœnit. cap.* 10.

11. Whereupon it followeth, that the Church may also now in lyke manner dispose of temporall things to the same end, by her owne authority, without demaunding the consent, or ratification of any temporall Prince: for no sufficient reason can be assigned, why the Church could do it thē, & not now; neyther yet why it may for a spirituall end punish a man temporally in his body by some corporall affliction, and in his honour by infamy, and not in his temporall goods and state, especially seeing that all temporall goods are inferiour to the body, and both body and goods ordained for the seruice of the soule and for spirituall ends: whereupon, I say, it followeth euidently, that the consent of temporall Princes is altogeather needles for the validity of Ecclesiasticall constitutions concerning temporall things, albeit the Church hath alwayes vsed to auayle her selfe of their authority and power, for the execution of all her Decrees, as well spirituall, as temporall matters, and to that end addmitteth, and requireth the assistance of temporall Princes, or their Embassadors in generall Councells; so as by all this it appeareth euidently, that the Councell of *Lateran* nee-

ded not the consent, or ratification of the Emperour, or other temporall Princes for the validity of the *Canon* now in question; and consequently that my Aduersaries first answere to the obiection proposed by himselfe, is to no purpose.

THE

THE SECOND ANSVVERE OF

The Aduersary to the former obiection is examined, and shewed to be very idle and impertinent; and by the way his fraudulent allegation of Glosses, and Canonists is discouered. And finally the Churches custome to impose temporall penalties, is iustifyed by the Canons.

CHAP. XII.

HIs second answere is taken out of the glosse vpon *Hadrianus* dist. 63. where the Pope ordayned that their goods who should violate that Decree should be confiscated, and vpon *Delatori*. 5. *q*. 6. where it is decreed that calumniatours of false accusers shall loose their heads if they be conuict of that cryme. The glosse (sayth my Aduersary) answereth here, *docere Ecclesiam, quid facere debeat iudex* *Præfat. Resp. Apol. nu.* 48

ſæcularis: that the Church teacheth what a ſecular Iudge ought to do; which anſwere of the Gloſſe may be accõmodated, or applyed to the lyke Decrees of the Church wherin the ſacred Canons do inflict temporall puniſhments. Thus ſayth he, as idly as before.

2. For although it were true, that this Gloſſe were to be vnderſtood, as he would haue it, yet it would not follow thereõn, that the ſame may be truly applied to all other Decrees of the Church, which concerne the impoſition of temporall puniſhments (eſpecially to the Canon of the Councell of *Lateran*, which ordayneth the depoſition of Princes) for this Gloſſe doth treate only of ſuch as are ſubiect to the iuriſdiction of Iudges, and ſecular Magiſtrats, whereas the Canon of the *Lateran* Councell ſpeaketh of abſolute Princes, on whom no ſecular Iudge, or Magiſtrate can execute any penalty, and therfore there is ſuch diſparity in theſe caſes, that the Gloſſe obiected by my Aduerſary cannot be iuſtly applied to both alyke.

3. Beſids that my Aduerſary hath vſed no ſmall fraud in the allegation, and application of the Gloſſe to his purpoſe: for wheras he mentioneth the Gloſſe vpon two ſeuerall Decrees, which haue ſeuerall gloſſes, he ſetteth downe only the later, as though the ſame might ſerue indifferently for both, and were ſo meant by the Gloſſer, or that the two Decrees were both of one ſubſtance, and nature, as they are not, but far different, and therefore do require a different conſideration.

4. But to the end, *good Reader*, that thou maiſt the better vnderſtand this matter, and the true ſenſe, & meaning of theſe two Gloſſes, it is to be cõſidered, firſt

firſt, that the Gloſſes of the Law being cõmonly very briefe (and therefore many tymes obſcure) are to be ynderſtood according to the drift, ſenſe, and circumſtances not only of the particuler Canons gloſſed, but alſo of other Canons, and Gloſſes in other parts, and places of the Law.

5. Secondly the penalties impoſed in the two Decrees here gloſſed, are of different nature & quality; the one, concerning only the confiſcation of goods, which is expreſly ordayned in diuers places of the Law; and the other, touching only the effuſion of bloud by death or mutilation, which is no where ordayned, or permitted, but expreſſely forbiden to all Eccleſiaſticall Iudges.

6. Thirdly the gloſſe it ſelfe doth teach, that by the former decree the Church doth ordaine the cõfiſcation of goods, and depoſition from dignityes, ſaying: *Hic Eccleſia publicat bona Laicorũ, & quãdoq; deponit à dignitatibus*: *heere the Church doth confiſcate the goods of lay men, and ſometymes depoſeth them from dignityes*. Thus ſayth the Gloſſe here, which my Aduerſary wholy diſſembleth, becauſe it maketh flatly againſt him, and he taketh hold, as it ſeemeth, of the words immediatly following, though he do not alledge them; the words are, *Vel dic &c. or ſay, that the Church teacheth heere what ought to be done*. Wherein it cannot be, with reaſon, imagined that the Gloſſe contradicteth the former interpretation, ſeeing that it teacheth alſo in many other places, that the Church may, and doth vſe to impoſe temporall penalties by confiſcation of goods, impriſonment, infamy, and baniſhment, as it may be ſeene in the Gloſſes vpon 17. q. 4. *Attendendum eſt*. 16. q. 1. *Statuimus*

Gloſſa in verb. Publicari.

imus. 27. q. 4. *Quisquis*, and vpon the Decree *Licet*. Tit. *de pœnis*, where the glosse affirmeth expressely, that if *the Law do ordayne only a spirituall punishment, or a corporall, the Iudge cannot change it into another, except he can dispense in the cryme committed: and that when the Law determineth nothing concerning the penalty of the cryme, it is left to the will of the Iudge, whether he will impose a pecuniary penalty, or any other; and lastly, that when the Iudge can dispense touching the crime, he may inflict a penalty of money, or some other*. Thus sayth the glosse.

lib. 5 decretal. c. licet. Tit. de pœnis.

7. And heereof the practice is, and hath alwayse byn most manifest in the Church & acknowledged by the *Canonists* to be grounded vpon the *Canons* (as partly hath appeared already, and shall appeare (q) further after a whyle) and therefore, I say, that those glosses obiected by my Aduersary, must eyther be so vnderstood, that they may agree the one with the other, and with the glosses of other Canons, yea with the generall opinion, and doctrine of the Canonists, and with the whole course, and practice of the Canon Law, or els they are to be reiected as absurd, erroneous, and false.

(q) *Infra nu*. 12. 13. 14. 15. & *sequent.*

8. Now then seeing that the gloser acknowledgeth in the former glosse, that the Church doth by the *Canon* ordaine the confiscation of lay mens goods, and depriuation of their dignityes (which is also confirmed by diuers other Canons, and glosses, & the practice of the Church) it cānot, as I haue sayd, be imagined that he meant to contradict it, by that which followeth eyther in the same glosse, or in the other vpō C. *Delatori*; & therfore we must distinguish betwixt the Canons, and the execution therof, and

say

say that, when he affirmeth in the former Gloſſe, that the *Church teacheth there what ought to be done*, and againe in the later, *that the Church teacheth what the ſecular Iudge ought to do*, he ſpeaketh only (as the very words import) of the execution of theſe two Canons; giuing alſo to vnderſtand that the execution of penall Lawes doth belong ſometymes to the ſecular Iudge, and not to the Eccleſiaſticall, eſpecially in caſes touching lyfe and death, or effuſion of bloud; albeit in many other caſes the Eccleſiaſticall Iudge may not only ordayne, but alſo execute pecuniary, and other temporall penalties; in which reſpect the Councell of *Trent* (which my Aduerſary, if he be a Catholike, as he pretendeth to be, muſt needs admit, for a lawfull Councell) decreeth that Eccleſiaſticall Iudges ſhall abſtaine from cenſures, when they may by their owne authority proceed againſt the delinquents, by reall, or perſonall execution. *Concil. Trid. ſeſſ. 25. c. 3.*

9. So as I will cõclude that theſe Gloſſes which my Aduerſary alledgeth eyther do make nothing againſt vs, or if they do, they do manifeſtly contradict as well themſelues, as other Gloſſes, and many expreſſe Canons, and the doctrine of all learned Canoniſts, yea the whole courſe and continuall practice of the Canon law. Beſides that it is to be conſidered that it litle importeth for our queſtion, whether the Church can execute temporall penalties, ſeeing it hath the power, and authority not only to inflict them, but alſo to force the ſecular Magiſtrats to execute them, which ſhall appeare further (n) after a whyle, and is not contradicted by the Gloſſe obiected by my Aduerſary, except only concerning the impoſition of bloudy penaltyes, which indeed the ſayd (n) *Infra nu. 11. & 15.*

gloſſe doth exclude by an expreſſe Canon, as we alſo do in this queſtion, affirming only as I haue ſayd before, that the Church may in ſome caſes both ordayne and execute certayne corporall, and temporall penaltyes without effuſion of bloud by mutilation, or death.

10. And this is ſo manifeſt in the Canon law, that truly a man may wonder with what face my Aduerſary can ſeeke by ſome peece of an obſure gloſſe to ouerthrow the cleare, and manifeſt ſenſe of the law it ſelfe, and the euident and ancient practiſe of the Church, which he knoweth in his conſcience to be grounded vpon the Eccleſiaſticall Canons; but hereby we may ſee, that his intent is no other, but to patch vp his pretended *probability* with ſhifts, and ſhewes of whatſoeuer he may wring, and wreſt to his purpoſe.

11. This will yet more euidently appeare by that which he addeth out of *Silueſter*, whoſe words he alledgeth, ſaying, *Huic reſponſioni fauent verba Syluestri &c. Silueſters words do alſo faueur this anſwere, who ſaith thus: Ioannes Andreas following Hoſtienſis, is of opinion, that a Biſhop cannot impoſe a pecuniary penalty vpon a lay man that is not temporally ſubiect vnto him, but that he ought to make it to be inflicted by a ſecular iudge.*

VViddr. vbi ſupra.

Syluest. in ſum. verb. Pœna. nu. 9.

12. Thus much he cyteth out of *Silueſter*, diſſembling that which immediatly followeth, to the end that his Reader may ſuppoſe that not only *Hoſtienſis*, and *Ioannes Andreas*, but alſo *Syluester* was of that opinion; wheras *Syluester* hauing ſayd that which my Aduerſary obiecteth, addeth preſently, *ſed hoc non placet Panormitano*, but this doth not pleaſe *Panormitã*, *becauſe*

Pan. in c. Licet. tit. de pœnis.

because when the case is such that the iudge doth challenge iurisdiction ouer a lay man, there appeareth no reason why he cannot in the foresayd cases impose vpon him a pecuniary penalty, as it may be seene in cap. Statuimus 16. q. 1. & 27. q. 4. cap. Quisquis.

13. Thus saith *Siluester*, alledging *Panormitans* owne words, and the *Canons*, by the which he proueth that a Bishop may impose a pecuniary penalty vpon a lay man, that is not temporally subiect vnto him, which *Canons* are indeed very cleare for that point, especially *cap. Quisquis. 27. q. 4.* where it is ordayned, that a sacrilegious person shall pay 30 poũds of siluer to the Bishop, or Abbot, or any Ecclesiasticall iudge, to whome the knowledge of the cause shall appertayne, as it may appeare both by the Canon, and the Glosse. Besids that, *Panormitan* (whom *Siluester* cyteth) teacheth expressely, that when the Bishop procedeth iuridically, and no certayne penalty is ordayned by the Law, he may impose a penalty of money, though he cannot do it when the Law ordayneth expressely another, except it be for a crime wherin he hath power to dispense, for thẽ he may inflict a pecuniary penalty, though some other be assigned by the Law; as I haue also shewed (p) before out of the glosse in *cap. Licet. Tit. de pœnis*. *Panor. vbi supra.*

(p) *Supra nu. 6.*

14. This then being *Panormitans* doctrine approued by *Siluester* (who followeth him altogeather in this questiõ) it appeareth that my Aduersary might haue easily seene, if it had pleased him, that *Siluester* doth not any way fauour his opinion, nor impugne our doctrine concerning the Popes power to dispose of temporall things in order to spirituall, which is the principall question controuersed betwixt vs.

15. You haue heard before (q) that *Hoſtienſis* expreſſely teacheth that the Pope hath power to depoſe Princes, and *Syluеſter* doth the like, being alſo both of them of the number of the Canoniſts, who teach that the Pope hath a (r) *direct Dominion* ouer temporall things, no leſſe then ouer ſpirituall, and therfore it is euidēt, that they cannot any way make for my Aduerſary; beſidsthat, it litle importeth whether the Biſhop may, according to the Canons, impoſe a temporall penalty vpon ſuch lay-men, as are not his temporall ſubiects, ſeeing he may by the opinion of thoſe three whom my Aduerſary alledgeth, make it to be *inflicted by the ſecular Iudge*, or Magiſtrat, in which caſe it is done by the Biſhops authority, and the ſecular Magiſtrate is but his inſtrument, and Miniſter to execute his will.

(q) *Chap. 11. nu. 3.*

(r) *Hoſtienſ. in cap. Quod ſuper his. de voto & voti. red. Syluеſt. in ſum. in verbo Papa. nu. 2. 11. & 12.*

16. Furthermore, put the caſe that the Biſhop could not impoſe a pecuniary penalty vpon a lay man that is not his temporall ſubiect, will my Aduerſary conclude therupon, that therefore the Pope may not do it? will he be ſo abſurd to reſtrayne the ſupreme iuriſdiction of the Pope to the inferiour power of a Biſhop? as well might he ſay that a King can do no more in like caſe, then an inferiour temporall Magiſtrate; and that becauſe the Iudge cannot pardon a perſon condemned, therefore the King cannot do it, who knoweth not that the Church hath preſcribed to her Magiſtrats certayne limits for the exerciſe of their authority, and iuriſdiction, allowing to ſome more, and to ſome leſſe, which they cannot exceed?

17. Therefore it were abſurd to ſay, that a Biſhop cannot excommunicate, becauſe a pariſh Prieſt cannot do it. But much more abſurd, and ridiculous

it

it is to say, that the Pope (who hath *plenitudinem poteſtatis*) cannot diſpoſe of temporall things in ſome caſes, becauſe a Biſhop cannot impoſe a pecuniary penalty vpon a lay man that is not his temporall ſubiect, as my Aduerſary ſeemeth to argue; for otherwyſe his obiection concerning the Biſhops power is to no purpoſe; ſo as you ſee vpon what *probabilities* he groundeth his doctrine, being found to be eyther fraudulent, or impertinent in euery thing that he vndertaketh to anſwere, or obiect, as you ſhall alſo further ſee by that which yet followeth for the confirmation of his precedent anſwere.

18. For he telleth vs, that ſome men do not improbably think, that whenſoeuer the Pope doth by any generall Conſtitution decree any thing that is preiudiciall to the right of any man, who is not temporall ſubiect vnto him, the ſayd Decree doth belōg only to the territory of the Roman Church, or *Patrimony of S. Peter*, wherein the Pope hath as well temporall as ſpirituall authority. Thus I ſay he telleth vs, but who theſe ſome men are of whome he ſpeaketh, or where they affirme this, he liſteth not to tell vs, neyther in his text, nor in his margent, leſt by the caſes which they propound, and the circumſtances of their doctrine, we might diſcouer his abuſe of their teſtimony; but whoſoeuer they be (if ther be any ſuch) that giue ſo generall a rule as he mentioneth, it muſt be conſidered whether they ſpeake of conſtitutions touching matters meerely temporall, or els of penall Lawes made againſt hereſy, or other enormous crymes for the benefit of the whole Church. *VViddr. vbi ſupra nu. 49.*

19. For no Catholike man, I am ſure, hath euer ſayd, or will ſay, that any generall Conſtitution of the Pope made for the reformation of fayth, or manners, and puniſhment of delinquents in ſpirituall matters, is to be vnderſtood to be reſtrayned to the Popes owne temporall patrimony; for ſeeing that he hath no leſſe ſpirituall authority throughout all Chriſtendome then within his owne temporall dominions, it were abſurd, and hereticall to ſay, that his generall decrees touching ſpirituall matters (ſuch as is the extirpation, and puniſhment of hereſy) cannot extend to the whole Church, if they inflict a temporall penalty to the preiudice of ſome mans temporall ſtate; for ſo could no heretikes be temporally puniſhed, out of the Popes temporall dominions by vertue of the Popes decrees, which neuertheles are generally executed, in preiudice not only of the delinquents, but alſo of their children, and next heyres. And this I ſay is ſo vniuerſally practiſed by the Church that he cannot be counted a *Canoniſt*, or yet a *Catholike* that will deny it to be lawfully done.

C. Vergẽtis. 7 it. 7. de Hæret.

20. Furthermore my Aduerſary giueth vs alſo afterwards an inſtance, or example of his aſſertion out of the *Gloſſe* no leſſe impertinẽt then the former, ſeeing that it concerneth only a temporall matter, without relation to any ſpirituall end; for he ſayth that the gloſſe vpon *C. Per venerabilem*, doth teach, *that the Pope cannot legitimate any man, to make him ſucceed as lawfull heyre, if he be not tẽporally ſubiect vnto him, for that he ſhould thereby put his ſickle into another mans harueſt, and vſurpe another mans iuriſdiction, and depriue ſome man of his right of ſucceſſion, which he ought not to do, and that therefore he cannot legitimate any man*

V Viddr. vbi ſupra.

for

for temporall matters, except the Prince permit it. Thus ſayth my Aduerſary out of the gloſſe, and then concludeth, *Si autem Pontifex nequeat &c. If the Pope cannot legitimate, or make lawfull one that is vnlawfully borne, or depriue any man from the right of ſucceſſion, I do not ſee by what right he can make vnlawfull a lawfull Prince and heyre, or deprive any man of the inheritance which he lawfully poſſeſſeth.* So he.

21. But is it poſſible that this man cannot ſee the difference betwixt theſe two caſes? ſeeing that the legitimation of baſtards to a temporall end (that is to make them capable of a temporall inheritance) is a meere temporall thing, and therefore requireth the temporall power, and direct dominion of a temporall Prince; whereas the depoſition of Princes in this our caſe, hauing a ſpirituall end (to wit the extirpation of hereſy, & puniſhment of ſinne to the exceeding great good of ſoules, and the publike benefit of the Church) is not meerely temporall in reſpect of the ſpirituall end, and therefore may proceed from the ſpirituall power of him that hath the ſupreme charge of ſoules, and the Gouernment of the whole Church, in whom it may ſuffile for that purpoſe to haue an *indirect dominion* ouer temporall things, to be vſed, and exercyſed in ſome caſes when the neceſſity of the Church ſhall require it.

22. Whereupon it alſo followeth, that if it were abſolutly neceſſary for the good of the Church, that the Pope ſhould legitinate a baſtard, to make him capable of ſucceſſion to a temporall inheritance (as for example if a Kingdome ſhould otherwayes fall into the hands, or poſſeſſion of Gods enemies) in ſuch a caſe (I ſay) he might do it by his ſpirituall

power

power, and the *indirect dominion* that he hath ouer te-
porall things, as both (d) Lawyers, and (g) Deuines
teach, and the Gloſſe alledged by my Aduerſary doth
not deny it, affirming only, that the Pope hath no
power to legitimate a baſtard out of his owne tem-
porall Dominions to a meere temporall end, which
as I haue ſayd, is a farre different caſe from ours, and
not denied by vs; ſo as you ſee ſtill how *improbably* my
Aduerſary argueth, and how abſurdly he hath an-
ſwered to his owne obiection: and this I hope may
ſuffice for the confutation of his ſecond anſwere. Let
vs now heare his third.

(d) See Couarr. in 4. decret. 2. p. §. 8. n. 16.

(g) Molina Tom. 1. de Iuſt. diſp. 137.

THE

THE ADVERSARIES THIRD ANSWER IS

confuted, and shewed to be no lesse repugnant to the Councell of the Apostles, and the Nicen *Councell, then to the Councell of* Lateran. *Also it is proued, that Decrees of generall Councells touching matters of fact, cãnot be impugned without iniury to the holy Ghost.*

CHAP. XIII.

HIS third answere to the foresayd obiection grounded vpon the *Canon* of the Councell of *Lateran*, is, that the sayd *Canon*, or Decree, *is no matter of faith, but of fact only, wherin as well the Pope, as those Fathers, following their owne opinions might erre, and that the Lateran Councell did not determine that the future deposition of Princes should proceed from an vndoubted lawfull power, or from the Ecclesiasticall power alone, without the consent of Princes: and that* VViddr. vbi supra nu. 50.

therfore the opinion of thoſe fathers giueth no more certaynty for the Popes power to depoſe Princes, then if they had declared the ſame forth of the Councell; ſeeing that this only may be gathered of the certayne doctrine of the Church, that Chriſt our Lord hath promiſed the infallible aſſiſtance of his holy ſpirit (not to the facts, and probable opinions of Popes, and Councells, but) to their definitions only. So he.

2. But heere I muſt deſire him, firſt to reforme his diſtinction, or rather *antitheſis*, which he maketh betwixt *rem facti, & rem fidei, a matter of fact, and a matter of faith*; wherein there is no ſuch *oppoſition*, as he ſeemeth to imagine, or would at leaſt haue to be conceiued: for if by a *matter of fact only*, he meane a matter that is not *ſpeculatiue* but conſiſteth only in action or practiſe, then matters of fact, and faith may ſo well ſtand togeather, that they may be, and often are one, and the ſelfe ſame thing; I meane, that *a matter of fact* not only may, but ought alſo to be beleiued vnder payne of damnation; as it is euident in diuers articles of our faith, conſiſting in the beliefe of things done, or to be done; as in all the hiſtory of our Sauiours Incarnation, life, and death already paſt, and in his laſt Iudgment, our Reſurrection, and euerlaſting reward, or puniſhment, which are yet to come, and being *matters of fact*, are neuertheles *matters of faith*; and therfore my Aduerſary may do well (as I haue ſayd) to reforme his diſtinction, and to make it according to the vſuall manner, to wit, *rem facti, & rem Iuris, a matter of fact, and matter of Law*, or right, which are indeed alwayes diſtinct.

3. Secondly I wiſh him to conſider that by this his diſtinction, & the arguments which he deduceth from

from it, he may in like manner impugne the Decree of the Apoſtles themſelues made in their Councell at *Hieruſalem*, wherein they ordayned and defined nothing els but *matters of fact* (to wit that the *Chriſtians ſhould abſtayne from meates offred to Idols, from things ſtrangled, and bloud, and from fornication.*) In all which the Apoſtles might (according to this mans doctrine) follow their owne priuat opinions, and erre, becauſe their Decree concerned only *matters of fact*. *Act. 15.*

4. And the like alſo may be ſayd concerning other Decrees of Popes, and Councells, the impugners whereof haue byn held, and condemned by the Church for heretikes, as for example; it was decreed by (d) Pope *Pius* the firſt, and confirmed by Pope *Victor*, and after by the Councell of *Nice*, that the feaſt of *Eaſter* ſhould be celebrated, at the ſame tyme that now it is kept vniuerſally throughout Chriſtendome, according to the tradition left to the Roman Church by *S. Peter*; whereas the Churches of *Aſia* did celebrat the ſayd feaſt with the *Iewes* (to wit, at the tyme preſcrybed in the Law of *Moyſes*) following therin the tradition, or at leaſt the practiſe of *S. Iohn* the *Euangeliſt*. And albeit thoſe Decrees ordayne only *matter of fact*, and practiſe, yet they which haue heeretofore contradicted the ſame, and adhered to the cuſtome of the *Iewes*, were, and are ſtill held by the Church for *heretikes*, and regiſtred for ſuch (q) by *S. Epiphanius*, and *S. Auguſtine* in their Catalogues of heretyks, vnder the name and tytle of *Teſſareſcedecatitæ*, that is to ſay in Latin, *Quartadecimani*, who with this diſtinction of my Aduerſary, and his arguments, might farre more probably defend their opinion, then he doth,

(d) *Baron. an. 159. Euſeb. hiſt. Eccleſ. lib. 23. 5. cap. 22. 23. 24. & 25. Theodoret hiſtor. lib. 1. cap. 9. Athanaſ. in ep. de Synodo Arimin. S. Ambr. ep. 83.*

(q) *S. Epiphan. hær. 50. S. Aug. hær. 29.*

or can defend his.

5. For they might say, as well as he, that those Decrees were not *matters of faith, but matters of fact* only, wherein both the Pope, and the Councells might follow their owne priuat opinions, and consequently erre, which being added to that which they said in defence of their heresy, and might truly say, to wit, that they followed the practice of *S. Iohn* the Euangelist, and of the Churches of *Asia* (which receaued the same by tradition from him, and continued it without interruption for 150. yeares) this, I say, would giue another manner of *probability* to their doctrine, then he can any way pretend for his; and yet neuertheles they are worthily held for heretykes, becauſe they did obstinatly refuse to obay those Decrees.

Euseb. vbi supra. Beda hist. lib. 3. c. 25.

6. Whereupon it followeth, first, that his answere to the Canon of the Councell of *Lateran* grounded vpon a distinction of *matter of fact*, and *matter of faith*, is very vayne, and friuolous, as well becauſe the one doth not exclude the other, as also becauſe by that distinction he may impugne the Decree of the *Apostles* themselues, of the Popes *Pius* and *Victor*, and of the Councell of *Nice*, and such other touching *matters of fact*, no lesse *probably*, then he impugneth the Canon of the Councell of *Lateran*.

7. Secondly, it appeareth that, as the *Quartadecimani* were worthily condemned of heresy, becauſe they obstinatly contradicted the authority of those Decrees, so also those, who do with like obstinacy impugne this other Decree of the Councell of *Lateran*, do much more deserue to be held for heretikes, seeing that they haue much lesse *probability* for their opinion

opinion then the other had.

8. Thirdly, whereas he concludeth this his third answere with this reason, that *the Fathers in the Councell of Lateran had no more assurance and certainty for this their Decree, then if they had declared their opinion forth of the Councell, because Christ hath not promised the infallible assistance of his holy Spirit unto facts, and probable opinions of Popes and Councells, but to their definitions only*: this his conclusion, I say, is most impertinent, not only because it impugneth the foresayd Decrees of the Apostles, of Pope *Pius*, and of the *Nicen* Councell, no lesse then this other of the Councell of *Lateran*; but also because he flatly ouerthroweth himselfe, seeing that this Decree of the Councell of *Lateran* is a true definition concerning the meanes to extirpate heresy; and therefore seeing that our Saiiour promised the infallible assistance of his holy spirit to the *definitions* of Popes and Councells (as my Aduersary hath heere expressely affirmed) it followeth, that the Pope, and Fathers in the Councell of *Lateran* neyther did, nor couid erre in their *definition*, or *Decree*, concerning the deposition of Princes, when it shalbe necessary for the extirpation of heresy.

9. And if he say, that Decrees concerning *matters of fact*, or manners, are not *definitions*, he sheweth himselfe very absurd. For it cannot be denyed but that Popes, and Councells ordayning *Decrees* concerning manners, and matters of fact, do as well define what is to be done, or practised, as they *define* what is to be beljeued, & taught, whē they make *Decrees* concerning matters of Fayth; and the one is no lesse necessary for the good Gouernment of the

Church, then the other; and therefore their *Decrees* of both sorts, are *definitions*, the one of a thing to be beleeued and the other of a thing to be done; for otherwyse we must say, that the Apostles after all their consultation in their Councell at *Hierusalem* defined nothing, which were absurd.

Act. 15.

10. Wherein also it is to be considered, that the errour which may be incident to a *definition*, or *Decree* concerning matter of *fact*, cannot fall vpon the Decree or *definition* it selfe (for so should the errour redound to the holy Ghost, whose assistance our Sauiour hath promised to the *definitions* of Councells, and Popes, as my Aduersary (d) himselfe graunteth) but it must fall vpon the execution of the *Decree*, as if some Prince should be deposed vpon wrong information, or without due circumstances required in the *Decree*.

(d) *See before nu.* 1.

11. But the question is not heere of errour in *matters of fact* of this kind (I meane in the execution of *Decrees*) and therfore if he speake of such *facts*, when he sayth, that *Christ* hath not promised the assistance of his spirit to *factes*, but to *definitions*, he chãgeth the state of the question, and fighteth with his owne shaddow, affirming that which we deny not, who speake only of the verity, iustice, and equity of the *Decree* it selfe, from the which we exclude all errour and iniustice, acknowledging the assistãce of the holy Ghost in the making thereof; in which respect all Catholike Doctors that haue euer writen, haue vniformly taught hitherto, that the Church being guided by the holy Ghost cannot erre in her generall *Decrees*, made for the whole Church, touching eyther *Fayth*, or *manners* (as I will declare (d) further

further hereafter. Wherupon I conclude that my Aduersary admitting as he doth the assistãce of the holy Ghost in the *definitions* of Councells, and Popes, and yet impugning the verity, or iustice of the Decree, ascribeth errour, or iniustice to the holy Ghost. (d) See *Chap. 16. nu. 11. & 12.*

12. And whereas he addeth another circumstance, to wit, that the Councell did not determine by this Decree, that the *future deposition of Princes should proceed from an vndoubted lawfull authority, or from the Ecclesiasticall power only, without the consent of Princes*, he is no lesse impertinent then in the former: for what need was there to determine that the Pope had an vndoubted lawfull authority to depose Princes, seeing that the same was not then any way called in question, but admitted for a knowne truth, as it is euidẽt, for that the whole Coũcel determined the practise of it, which they would not haue done, if they had doubted of the lawfullnesse of the Popes authority in that behalfe. *Supra n. 2.* *Naucler. generat. 41. ann. 1210.*

13. Also Pope *Innocentius* the third, vnder whom the Councell of *Lateran* was held, had not past 3. or 4. yeares before depriued the Emperour *Otho* of his right to the Empyre by a sentence of *excommunication*, and *deposition*; by vertue whereof *Frederick* the second (whose Embassadours were present at the *Lateran* Councell) was made Emperour, who also was afterwards deposed by Pope *Innocentius* the fourth, in a Generall Councell held at *Lyons*: as likewise *Leo* the Emperour was before depriued of his rents, and reuenews in *Italy* for heresy, by Pope *Gregory* the second. Also *Childerick* King of *France*, and *Henry* the 4. Emperour of that name had byn deposed from their states; and dignities *Idem generat. 42. 1246. Matth. Pariſ. in Henrico 3. See Apol. Sculkenij pro Card. Bellarm. c. 13. & 14.* where he confuteth the answers of Widdrington to these examples.

ties by the authority of the Sea Apoſtolike before the Councell of *Lateran*.

14. Therfore the ſayd Councell had reaſon to thinke it altogeather needleſſe to determine any thing concerning the lawfulneſſe of a matter already admitted, and practiſed; beſids that neyther the Church, nor yet ſecular Princes do vſe to declare in their lawes frō what authority the execution thereof ſhall proceed, but it ſuffiſeth that their authority to decree, ordayne, and execute their Lawes is ſufficiently knowne, and acknowledged by their ſubiects; whereby it appeareth that my Aduerſary doth very idly require that the Councell of *Lateran* ſhould haue declared, that the *future depoſitiō of Princes ſhould proceed from an vndoubted lawfull authority* being a matter, which they held to be without all doubt or Controuerſy.

15. And as for the conſent of Princes which he alſo requyreth to Decrees cōcerning teporall matters, I haue already anſwered him touching that point, and (h) ſhewed, as well by the example of *Apoſtles* themſelues, as by the practice of the *primitiue Church*, when there were no Chriſtian Emperours, or Princes, that their conſent is needles for the validity of Eccleſiaſticall Decrees: and that if the ſame were needfull, all Chriſtian Princes ſhould ſtand bound to obay the Decrees of the Councell, becauſe being enacted by their generall conſent in a generall parliament of all Chriſtendome, it cannot be repealed without another generall Councell of lyke authority, ſo as, thou ſeeſt, *good Reader*, that my Aduerſaries third anſwere is in euery thing defectiue, and no leſſe improbable then the former. Neuer-

(h) *See Chap. 11. n. 7. 8. 9. & ſequent.*

certheles he presumeth so farre vpon the probability thereof, that he vndertaketh to answere also a Reply which he imagineth, we will make to his last argument, whereof I will examine the particulers in the next Chapter.

A CONFVTATION OF AN

Instance made by the Aduersary, to proue that the doctrine wherupon the Decrees of Popes, and generall Councells are founded, may be vncertaine and erroneous, and consequently that the same may be sayd touching the foundation of the Canon of the Councell of Lateran, *ordayning the deposition of Princes.*

CHAP. XIIII.

MY Aduersary hauing hitherto shewed great weaknes in himselfe, and his cause by his answeres to our arguments pretendeth to confute a Reply which he supposeth we will make to his last answere, deuiding the sayd Reply into 3. points, whereof the first is, that the foundations and *VVidd. vbi supra nu. 52.*

grounds of the Eccleſiaſticall Canons, and Decrees of Popes, and Councells do belong to faith, whereupon he ſaith, we inferre, that ſeeing the Fathers in the Councell of *Lateran* grounded their Decree vpon this doctrine, that the Pope hath power to depoſe Princes, therefore the ſayd doctrine muſt needs be certayne, and a matter of fayth.

Ibid.nu.53. 2. The ſecond point is, that ſeeing no Catholike man would doubt but that all Chriſtiãs were bound to belieue, as a matter of faith, that the Pope hath power to depoſe Princes, if a generall Councell ſhould expreſſely define it; therfore we ſay, that for as much as the Councell of *Lateran* doth ſuppoſe the ſame as a ſure foundation of their foreſayd Canon, and Decree, all Chriſtians are no leſſe bound to belieue it, then if they had expreſſely determined, or defined it.

Ibid.n.54. 3. The third point is, that it being a matter of faith, that the Church cannot erre in generall precepts, or Decrees concerning manners, it followeth that the Councell of *Lateran* hauing ordayned the depoſition of Princes, neyther hath erred, nor could erre in it, eſpecially ſeing that the errour would be moſt gireuous, and pernicious to all Chriſtians, for therupon would follow tumults, ſeditions, and warres, by reaſon of the reuolts, and rebellions of ſubiects againſt their Princes, and the breach of their Oaths of fidelity, which were no leſſe then periury, if the Pope had not authority to diſcharge ſubiects of their allegiance, and fidelity to their Princes.

4. Thus in effect, though ſomewhat more amply, doth my Aduerſary argue for vs; and for the anſwere, and confutation therof produceth 3. inſtances

to proue that the Pope doth ſometymes exercyſe his power with danger of pernicious, and moſt grieuous errour, when neuertheles it is vncertayne whether he haue ſuch power, or no.

5. His firſt inſtance is, that the Pope hath often giuen licence to a Prieſt to miniſter, and confer the Sacrament of Confirmation, notwithſtanding that diuers great Doctors do deny that the Pope can giue ſuch licence, or commiſſion; wherupon he concludeth, that it is not certayne whether the Pope hath the power which he exercyſeth in giuing ſuch licences, and addeth further, *An non*, ſaith he, *grauiſſimus error eſt &c. is it not a moſt grieuous errour to grāt ſuch licences, whereby there is danger to cōmit moſt grieuous Sacrileges, to wit the inualide adminiſtration of Sacraments?* So he, ſhewing euidently how vnreuerent an opinion he hath of the licences, diſpenſations, & other actions of Popes, ſeeing that he thinketh or inſinuateth at leaſt that they haue moſt grieuouſly, and perniciouſly erred therein many tymes, and yet one of the Popes, that did diſpence in the caſe heere mentioned (to wit in the adminiſtration of the *Sacrament of Confirmation*) was the famous *S. Gregory* the Great, who granted that licence to ſome Prieſts in *Sardinia*, by reaſon of the great want of Biſhops in that Iland.

Durand. Bonauent. Adrian. & alij.

S. Greg. ep lib. 3. ep. 9 & 26.

6. But to anſwere his argument grounded vpon this inſtance or example, whereas he laboureth to proue thereby, that the foundation, or ground of the Decree of the Councell of *Lateran* concerning the depoſition of Princes may be vncertaine, becauſe the ground of ſome Popes diſpenſations in the adminiſtration of a Sacrament is vncertayne, he argueth

most absurdly. For there is such an euident disparity betwixt the particuler facts, or dispēsations of Popes touching particuler persons, countries, or Churches, and the generall Decrees of Popes, and generall Councells made for the direction and Gouernment of the whole Church, that a man may wonder how he could forget himselfe to farre, as by an instance of a supposed possibility of errour in a particuler fact of some Pope, to impugne a generall Decree of a Pope, togeather with a generall Councell.

7. But perhaps he will say, that he doth not argue against the Decree it selfe, but against the reason whereupon it was grounded, saying, that it may be vncertaine, and subiect to errour, no lesse then the reason which moued some Popes to giue licence to a Priest to administer the Sacrament of Confirmation; but if he say this, he is very absurd; for he argueth in effect no otherwayes then thus: Because *S. Peter* had no sufficiēt ground for his dissimulation at *Antioch* (which *S. Paul* reprehended in him) therfore the Apostles had no sufficient reason, or ground for their Decree in their Councell at *Hierusalem*, which no man that hath his right wits will say; for that the Apostles had the infallible assistance of the holy Ghost in making their Decree, which *S. Peter* had not, eyther in his particuler fact, or in the foundation whereupon he grounded it.

Gal. 2.

Act. 15.

8. Besides that, he inferreth absurdly, that because the reason which moued some Popes to graunt that licence was vncertaine; or seemed erroneous to some learned men, therefore it was vncertayne also in it selfe, or to the Popes that gaue the lycence, as who would say, that because the reason of Pope *Pius*

his

his Decree, concerning the obſeruation of the feaſt of *Eaſter* ſeemed vncertayne to the Churches of *Aſia*, therefore it was vncertayne in it ſelfe, or to Pope *Pius* who made the Decree; whereas the reaſon, or ground of the ſayd Decree (to wit the tradition of Roman Church) was not only certaine to Pope *Pius*, and his ſucceſſor *Victor* (who (c) excommunicated the Churches of *Aſia* for reſiſting it) but alſo to the firſt Councell of *Nice*, which afterwards decreed the ſame, yea to the whole Church which followeth the Decrees of the ſayd Pope, & *Nicen* Councel, accounting them for heretiks that do contradict them; as I haue ſhewed (g) before.

(c) *Euſeb. hiſt. l. 5. cap. 24. & 25.*

(g) *See Chap. 13. nu. 4. & 7.*

9. The lyke alſo may be ſayd of the rebaptization of ſuch as are baptized by heretikes, which was condemned by the Sea Apoſtolike vpon an aſſured ground, albeit the ſame ſeemed vncertaine, and erroneous to *S. Cyprian* and to a Synod of Biſhops with him, who were of contrary opinion. So as it is euident, that many things may ſeeme vncertayne to ſome learned men, and yet be moſt certaine to the Sea Apoſtolyke, and therefore my Aduerſary argueth very ridiculouſly, if he inferre (as he ſeemeth to do) that the reaſon which moued ſome Popes to giue lycence to Prieſts to adminiſter the Sacrament of Confirmation is vncertayne, or erroneous, becauſe it ſeemeth ſo to ſome learned men.

10. But much more ridiculous is his inference, that the ground, or reaſon of a generall Decree made by a Pope and generall Councell is vncertayne, and ſubiect to errour, becauſe ſome learned men are of opinion that ſome Popes had no ſufficient reaſon to do ſome particuler acts, or graunt licences, or diſ-

penſations to ſome particuler perſons, which is a far different caſe from the other; and therefore I ſay his inference thereupō is ſo ridiculous, that a ſcholer may be aſhamed to make it; for albeit we ſhould grant that thoſe Popes erred both in granting thoſe licences, and in their grounds, yet it would not follow, that therefore the Pope together with the whole *Lateran* Councell might erre in the ground of their Decree, except we may inferre *quidlibet ex quolibet*.

11. And yet forſooth this is one of his *probable* anſwers. Therefore if he will argue againſt the Decree of the Councell of *Lateran* by inſtances, and examples, let him not produce the particuler facts of ſome Popes, cōcerning ſome particuler Coūtryes or perſons, but ſome Decree of a Pope, or generall Councell made for the direction, and gouernment of the whole Church (as this of the *Laterā* Councell was) and then let him proue alſo, that the ground of the ſayd Decree was vncertayne, and then I will grant that he ſayth ſomewhat to the purpoſe.

12. In the meane tyme he is to vnderſtand further concerning this point, that whereas he demaundeth, whether *it is not a moſt grieuous errour to grant ſuch licences, whereupon moſt grieuous Sacrileges may may follow, to wit, the inualide adminiſtration of Sacraments?* I anſwere, that the Church both doth, and may miniſter Sacraments in caſes of neceſſity vpon a probable opinion, without any danger of formall ſacrilege, or ſinne: as when a child is baptized in one of his feete, or hāds before he be fully borne into the world, or when the Sacrament of Extreme Vnction is giuē to one of whome it is not certaine whether

ther he be fully dead.

13. In theſe caſes, I ſay, & dyuers other ſuch, the Church doth adminiſter Sacramẽts with ſome danger of inualidity (and yet without danger of formall Sacrilege) in reſpect of the great hope of benefit which may follow to the ſoules of thoſe to whome they are adminiſtred; and I verily thinke that there was neuer any Catholike ſo impious hitherto, as to condemne the ſame as ſacrilegious, eyther in the moſt famous, & holy father *S. Gregory* the Pope, or in any other of his ſucceſſors: for albeit ſome leaned men haue indeed denyed that they had authority to giue ſuch licence, yet they were not ſo inconſiderate, as either to condemne them of moſt grieuous, and ſacrilegious errour, or to deny that the other opinion was probable, ſeeing that it had byn practized ſo long ſince by *S. Gregory*, and approued not only by many moſt famous, and learned Doctors, but alſo by the Councell of *Florence*; which treating of the Sacrament of Confirmation, and hauing ſayd that the Biſhop is the *ordinary Miniſter* thereof, addeth afterwards, *Legitur tamen &c. yet it is read, that a ſimple Prieſt hath adminiſtred it by the diſpenſation of the Sea Apoſtolike, with Chriſme, or holy Oyle made by a Biſhop.* pag. 187.

14. So ſayth the Councell, giuing to vnderſtand that although a Biſhop is the *ordinary* Miniſter of the Sacramẽt of Confirmatiõ, yet a Prieſt may be the *extraordinary* Miniſter of it by diſpenſation of the Sea Apoſtolike. And this I hope may ſuffiſe to free as well *S. Gregory*, as other Popes his ſucceſſors from all error, and much more all danger of ſacrilege in this point. Beſides that, the grant of ſuch lycences, being

being meere matters of fact, and concerning only particuler persons and Countries, could not any way preiudice our cause, albeit they were erroneous, and sacrilegious, seing that (as I haue sufficiently signifyed before) the question betwixt him, and vs for the present is only about a generall Decree of a generall Councell, ordayned for the speciall good, and benefit of the whole Church, wherin we do indeed acknowledge the infallible assistance of the holy Ghost, though not in euery particuler fact of a Pope. Thus much for his first instance.

TVVO OTHER INSTANCES

of the Aduersary to the same purpose are coufuted, and proued to be no lesse impertinent, and absurd, then the former.

CHAP. XV.

HIs second Instance is, that Pope *Sixtus* the fourth made a Decree concerning the celebration of the Blessed Virgins Conception, notwithstanding that it is vncertaine, and disputed amongst the Diuines without any blot of heresy, errour, or mortall sinne, whether the Blessed Virgin contracted originall sinne in her Conception, or was preserued from it by a peculiar prouidence of God, *and therfore*, saith he, *it is manifest that the doctrine which is either proposed, or supposed by the Pope*, *Vvidd. vbi supra nu. 57.* *Ibidem.*

as the foundation of his Apoſtolicall Decree, and Conſtitution (concerning euen the religious worſhip of God) is not ſo certayne, and vndoubtedly true, but that it may be impugned without danger of grieuous ſinne. So he; whereupon he inferreth that the ground of the Canon of the *Laterun* Councell may alſo be vncertayne, and impugned without note of hereſy, or ſinne.

2. But his inſtance is as litle to the purpoſe as the former, for albeit he alledgeth not heere a particuler fact, but a generall Decree of a Pope directed to the whole Church, yet he abuſeth his Reader in ſeeking to perſwade him that the foundation of that Decree, was the opinion, or particuler perſwaſion of Pope *Sixtus*, that the Bleſſed Virgin was not conceiued in originall ſinne; wheras no ſuch thing can be gathered by the Decree, but only that his deſire was by the conceſſion of indulgences to ſtirre vp the people to the deuout celebration of the feaſt, and thereby to giue thanks, and prayſe to Almighty God for the benefite, which all Chriſtian men haue receiued by her Conception; to which end it imported nothing at all how ſhe was conceiued, I meane, whether ſhe were ſanctifyed in the firſt inſtant of her conception as very many do hold, or ſhortly after, as others teach, and therfore the Decree of Pope *Sixtus* is obſerued as well by thoſe that affirme her to haue byn conceiued in originall ſinne, as by thoſe that deny it, becauſe nothing is ordayned in the Decree in fauour, or preiudice of eyther opinion.

Tom. 4. Concil. poſt Epiſtolas Sixti 4 §. Cùm præexcelſa.

3. This may appeare as well by a later Decree of his, whereby he ordayned that both the opinions might be held, and taught without note of hereſy (*becauſe, ſaith he, the queſtion is not determined, and decyded*

Ibid. 6. Graue nimis.

decyded by the Church) as also by the expresse words of this Decree, wherein he signifieth that considering the ineffable dignity, & worthynes of the most Blessed Virgin, it is conuenient, and necessary that all faithfull Christians *giue prayse and thanks to God for her meruailous Conception, to the end that by her merits, and intercession they may be made more capable of Gods grace*. Thus saith Pope *Sixtus* in his Decree, and then addeth, *Hac igitur consideratione inducti &c. therfore being moued with this consideration, we determine, & decree &c.* So he. And his determination, and Decree was no other, but that all such as did with due deuotion assist at the diuine office, & seruice appointed for the celebration of that feast, should gaine all those Indulgences which had byn granted before to such as celebrated the feast of Corpus Christi.

4. This then being the whole substance, and effect, as well of the Decree, as of the motiue thereof expressed therin, it is euident that Pope *Sixtus* had no other meaning in all this, then to moue all Christians to the deuout celebration of the feast of the Conception of the Bl. Virgin, no lesse then of her Natiuity, and other feasts, without any preiudice to the different opinions that either then were, or after might be held concerning the manner of her Conception; in which respect the sayd feast is celebrated by all Christians no lesse then her other feasts, which is as much as Pope *Sixtus* desired, and intended; whereby it appeareth that his Decree is indifferent to both opinions being obserued by the maintayners of both, and that therefore it is not grounded vpon eyther of both.

5. And now to apply this to our purpose, wher-

as my Aduerſary pretendeth by this Inſtance, to proue, that the doctrine of the Popes power to depoſe Princes is as vncertayne; as the doctrine that the Bleſſed Virgin was conceiued without originall ſinne, which is impugned by very learned men, it is to be conſidered that there is ſuch diſparity in the caſes, and ſuch weaknes in his Inſtance that he proueth nothing at all againſt vs.

6. For, the Decree of Pope *Sixtus* had ſo litle dependance on the doctrine of her immaculate Conception, that he might haue made it (yea it would haue byn very lawfull, iuſt, and conuenient) though he had held the contrary opinion, whereby it is manifeſt that his opinion cõcerning the immaculate purity of her Conception, was not the ground of his Decree (as my Aduerſary doth very fondly ſuppoſe it to be) whereas in our queſtion touching the Canon of the *Lateran* Councell, the caſe is farre different, ſeeing that the ſayd Canon hath ſuch dependance on the doctrine of the Popes power to depoſe Princes (which is neceſſarily ſuppoſed, and included in it) that if the Pope haue no ſuch power, the Canon is vtterly voyde, being altogeather vniuſt, vnlawfull, and erroneous, wherupon it euidently followeth that the doctrine of the Popes power to depoſe Princes, is the foundation of the Canon.

7. So as you ſee, that to impugne this vndoubted ground of the Canon, he is fayne to ſuppoſe, and vrge a falſe ground of Pope *Sixtus* his Decree & conſequently fayleth wholy in the proofe of that which he pretendeth; and therefore to make his inſtance good, and the caſes like, he ſhould haue proued that the doctrine of the Popes power to inſtitute

feaſts

feasts is vncertayne, and imagined by learned Catholiks without danger of sinne, for Pope *Sixtus* his Decree touching the celebration of the feast, supposeth the truth of that doctrine, as in like sort the Canon of the *Lateran* Councell concerning the deposition of Princes supposeth that the doctrine of the Popes power to depose Princes is certayne, and true, and therefore I conclude that his second Instance wherin he supposeth a false ground, is as improbable, and impertinent as the former.

8. His third Instance being of the nature, and quality of the first, is so sufficiently answered already that I shall not need to stand long vpon it; he saith that the Popes haue oft dispensed with Princes which had made a solemne vow of chastity, whereof he alledgeth some examples, and because very learned Doctors do deny that the Pope hath authority to dispense in solemne vowes, he inferreth as before, that the doctrine whereupon those dispensations were grounded, is not so certayne, but that it may be impugned without sinne, and consequently, that the lyke followeth also, concerning the doctrine of the Popes power to depose Princes, which is the foundation of the Canon of the *Lateran* Councell. Thus argueth he in substance.

9. But in all this he is as idle as in the rest, and shooteth his bolts at random, and cleane wyde of the marke, impugning a generall Canon of an Oecumenicall Councell, by some particuler facts of Popes concerning particuler men, which facts both he, and we grant may be subiect to errour: whereas not only we, but he himselfe also acknowledgeth the infallible assistance of the holy Ghost in the definitions

and Decres of generall Councells, as I haue amply declared (d) before.

(d) *Chap. 13. nu. 1. 8. 9. 10. & 11.*

10. And therefore to make a good Instance in this case, and fit for the matter in hand, he should produce some Decree of a generall Councell, or at least of some Pope ordayning the practice of such dispensations, and shew vs withall, that notwithstanding the sayd Decree, some Catholike Doctors do deny the Popes authority to dispence in vowes, but this he neither doth, nor can do; for if euer any such Decree had byn made, the Catholike Doctors whom he nameth, would not haue doubted of the Popes authority in that behalfe, as they haue done, because neyther the doctrine it selfe, nor the practice therof was euer decreed by any Pope, or generall Councell; wherby it appeareth euidently that this his third instance is suitable to the two former, and as improbable, and absurd as the rest of his arguments and answeres.

THE

THE ADVERSARIES ABSVRDITY

is further discouered by another impertinent argument of his; and he is proued, euen by his owne grant to be fallen into heresy, or errour. And lastly the conclusion of all his discourse against the Authors Supplement *is examined, with a briefe recapitulation of the whole.*

CHAP. XVI.

THERE remayneth now one argument only to be examined which he addeth to his 3. instances for the conclusion of the whole, reasoning in effect thus: that because the reasons which moue Coũcels to define and determine any thing, are, as it were, the foundations of their Decrees, and yet not so certaine as the Decrees themselues (whi h he confirmeth by the opinion, and doctrine of Cardinall (a) *Bellarmine*, and (b) *Canus*) therfore the doctrine of

VViddr. vbi supra nu. 62.

(a) *Bell. l. 2 de Concil. c. 12.*

(b) *Canus l. 6 de locis cap. 8.*

of the Popes power to depoſe Princes (whe
the Canon of the *Lateran* Councell was gro
is not ſo certayne but that it may be erroned
denyed without offence.

2. Whereto I anſwere, that by this argu
impugneth none ſo much as himſelfe, grant
the Decrees of Councells may be certayne
the reaſons vpon the which they are groun
vncertayne; whereupon it followeth that the
of the *Lateran* Councell, ordayning the de
of Princes may be certayne, and iuſt, albeit
ſons, or doctrine which was the foundati
were not certayne; and ſo Princes may be
depoſed by the Pope, in ſuch caſe as the
Councell hath ordayned, though the ſayd C
might be moued thereto by an vncertayne,
neous reaſon, ſo that albeit he ſhould proue,
ground of the Canon in queſtion were vnc
or erroneous, yet he ſhould proue nothing
the Canon it ſelfe.

3. And truly it cannot be denyed but th
difference is to be made (as my Aduerſary ſa
out of Cardinall *Bellarmine*) betwixt the c
of the Decrees of Councells, and of the
which are alledged therein; it being euident
reaſons are not of like weyght, certainty, o
bility; neuertheles it were very abſurd to
thinke, that the fundamentall reaſon, or
which is neceſſarily included, and ſuppoſed
Decree of an *Oecumenicall* Councell, can be
ſo alſo the Decree it ſelfe ſhould be falſe, and
rour of both iuſtly aſcribed to the holy Ghoſ
thour therof.

4. And this I say of Decrees that concerne not only matters of beliefe, but also manners, or *matters of fact*, such as was the Decree of the Apostles at *Hierusalem*, wherein they doubted not to say, *Visum est Spiritui sancto, & nobis*, it hath seemed good to the holy Ghost, and vs, ascribing to the holy Ghosts assistance their determination, not only of the Decree it selfe, but also of the foundation wherupon it was grounded, I meane the equality, iustice, and conueniency of it. *Act. 15.*

5. For it cannot be denyed but that the holy Ghost assisted, and guyded them first to determine what was lawfull and conuenient to be Decreed, and executed, and then after to ordayne, and Decree it, the one so depending on the other, that if they had fayled in the former, they would not haue iustly decreed the later, that is to say, if it had not byn lawfull, and conuenient for Christians at that tyme to abstayne from strangled meates, and bloud, the Apostles could not haue lawfully ordayned, and decreed it, and therefore the Decree being iust, and ascribed to the assistance of the holy Ghost, the foundation, or ground, and all the necessary consequents therof must needs be granted to be lawfull, and iust, and to flow from one fountayne, that is to say, from the holy Ghosts inspiration and assistance.

6. The like is also to be sayd of the Decree of the *Lateran* Councel cõcerning the deposition of Princes to wit, that the holy Ghost assisted and guyded them, first to resolue what was lawfull, and conuenient to be decreed (that is to say, that Princes should be deposed by the Pope, if they would not purge their Countryes of heresy) and afterwards to ordayne,

and decree it; for, if it had not byn lawful
conuenient that the Pope ſhould depoſe Prin
that caſe, the Councell could neuer haue la
decreed it, neither could the Decree poſſibly b
full, if the Pope had not that power, ſo as it is e
that the Decree being iuſt (as proceeding fr
aſſiſtance of the holy Ghoſt) the determinati
only of the iuſtice and conueniency of it, but
the Popes power to performe it, muſt needs be
ted to proceed in like manner from the holy
inſpiring as well the ground and foundation
Decree, as the Decree it ſelfe.

7. And therefore howſoeuer my Aduerſa
cauill about the certainty of ſome reaſons th
byn, or may be alledged in ſome Decrees o
cells, he cannot with any ſhew of reaſon, or
bility deny, or call in queſtion thoſe foundatio
neceſſary grounds of this Canon, or ſay, th
are leſſe certayne then the Canon it ſelfe, as
meth moſt abſurdly to affirme in this argu
wherin I wiſh alſo to be noted, how ignorātly
foundeth the *foundation* of a Decree with the
which moue the Councell to make it, or are
thereto, as though all the *reaſons* which are br
& alledged by a Councell, or moue thē to det
any thing, were the *foūdatiōs* of their *Decrees*,
many *reaſons*, yea texts of Scriptures are probā
ledged in Coūcels for the explicatiō ōly, or ſo
firmatiō of their *Decrees*, & not as the *foūdatiōs*

8. Whereby it appeareth alſo how abſu
comprehendeth the doctrine of the Popes po
depoſe Princes vnder the tytle of *reaſons*, mou
Councell of *Lateran* to decree the depoſi

them; seeing that the *reasons* of *Decrees* are so extrinsecall thereto, that they may fayle, and yet the *Decree* stand good, and be of force, whereas the foresayd doctrine of the Popes power is so intrinsecall, and as I may say, essentiall to the Decree of the *Lateran* Councell, that it is necessarily included and supposed in it, in so much that the sayd Decree cannot possibly stand, or be good if that doctrine be not true, as I haue signifyed (f) before; and therefore he argueth as impertinently in this, as in the rest.

(f) *nu.* 6.

9. But now will you heere how well he concludeth this his last argument, and condemneth himselfe of errour, or heresy? Thus then he sayth. *Quapropter &c.* Wherfore no man can doubt but that great difference is to be made betwixt the voyce, doctrine, & cõsent of the Church, firmely belieuing, or defining any thing, as a matter of faith, & the voyce, doctrine, or consent of the same Church only probably thinking. For no Catholike man doth deny, that he which contemneth to heare the voyce of the Church firmely belieuing, doth fal into errour, or heresy, wheras Catholik Doctors (whose authority the learnedst of our Aduersaries wil easily admit) do plainly affirme, that he who being moued with sufficient reasõ, doth not imbrace the Doctrine of the Church, whẽ she only thinketh probably, doth not expose himself to the danger of heresy, errour, or temerity. So he.

vbi supra. *nu.* 63.

10. Wherein I wish to be noted two things, the one how confident he is, that he hath proued by his 3. Instances, or examples, and this his last argument, that the Church ordayning, and decreeing in the *Lateran* Councell that Princes shall in some cases be deposed by the Pope, did not firmely belieue, but only

probably thinke, that the Pope hath lawfull power, and authority to do it: whereas you haue seene his instances, and arguments to be so weake, friuolous, and impertinent, that they haue serued to no other purpose, but to discouer his folly, and the weaknes of his cause.

11. The other thing which I wish to be noted is, how he giueth sentence against himselfe, as hauing incurred the note of errour or heresy in contemning to heare the voice of the Church, firmely belieuing; for if the Church had not firmely beliued, that the Pope hath power to depose Princes, she neyther would, nor could haue decreed in the *Lateran* Councell that Princes should be deposed by the Pope; for albeit she doth, and may in particuler cases practise some things vpon a probable opinion (when there is no Definition, or Decree to the contrary) yet it were most absurd, & temerarious, if not hereticall to say, that she euer made a generall Decree in a Coūcell, touching eyther fayth, or manners, but vpon a most certayne, and assured ground: and the reason is for that otherwyse the Decrees of generall Councells should sometymes be vncertayne, as being grounded only vpon a *probable* opinion; yea all their Decrees might alwayes with some shew of reason be impugned, and reiected by any contentious heretike, who might and would call the ground of the Decree in question, and say, that the same were but only *probable*, as my Aduersary doth, euen in this case.

12. Therefore seeing it is most certayne, and vniformely beliued, and taught by all Catholike Doctors, that no Decree of generall Councells made for

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the whole Church touching either fayth, or manners, can be repugnant to the verity of the holy Scriptures, or may be impugned, or called in question by any Christian man, it followeth euidently, that all such Decrees are founded vpon assured grounds, and none vpon *probable* opinions: for if the grounds thereof, were or might be only probable, they might be repugnant to the Scriptures, and lawfully impugned or denyed by any man. Wherupon it followeth, that seing the *Lateran* Councell hath for the speciall good of the Church decreed that Princes shalbe deposed by the Pope in some cases, the sayd Councel and consequently the Church, doth firmely, and assuredly beleue (and not thinke only probably) that the Pope hath power to depose Princes; and therfore I conclude that my Aduersary contemning, and reiecting this beliefe of the Church, is by his owne confession fallen into errour, or heresy: so as I may well say vnto him with our Sauiour in the Gospell, *ex ore tuo te iudico serue nequam*. Luc. 19.

See Bellar. de Concil. lib. 2. cap. 2. 3. & 4. Item Canum lib. 5. de loc. Theol. c. 5. Hannes. 2. q. 1. ar. 10. dub. 6. conclus. 110.

13. And now hauing confuted all that which I find in the *Preface to his Apologeticall answere*, concerning the Councell of *Lateran*, I will returne to examine the rest of his text in his *Admonition*, from the which I haue byn a whyle diuerted by his remission of his Reader to the sayd Preface. Thus then he concludeth in his *Admonition* concerning as well the Councell of *Lateran*, as my whole discourse.

14. *Priusquam igitur aliquis clarè demonstrauerit &c.* *therefore before a mā shall clearely demonstrate (I say not shew probably only) that the answers which I haue giuen to the Councell of Lateran, are altogether improbable, no effectuall argument can be deduced from the Councell,*

Disput. Theolog. Admonit. ad Lector. nu. 21. §. Priusquā. pag. vlt.

whereby it may be proued certaynely & euidently
is not ſo certayne, that the Pope hath power to depo
ces, but that the contrary may be defended by C
without the note of hereſy, errour, or temerity.
for the preſent may ſuffice to ouerthrow this
more prolixe, then ſolid diſcourſe: for I will per
where more curiouſly examine his ſeuerall argum
ſhew of how ſmal force, and moment they are
ſaith he for the vpſhot of his anſwers to me,
we may obſerue theſe points following.

15. Firſt, wheras he exacteth, as you ſe
cleare Demonſtrations that his anſwers to the
cell of *Lateran* are altogeather *improbable*, I h
or at leaſt the indifferent Reader, may reſt
therein ſeeing that I haue made it cleare that
ſwers to the ſayd Councell, are not only
ble, but alſo friuolous, and ſometymes *r*
as being eyther wholy impertinent to the
or els preiudiciall to himſelfe.

16. Secondly, whereas he ſayth that
ctuall argument can be deduced from that C
againſt him, vntill it be demonſtrated tha
ſwers therto are *improbable*, I may now co
that ſeeing I haue performed as much as he
in that behalfe (hauing euidently ſhewed t
bability of his anſwers) he cannot deny but
arguments, deduced frō that Councell, are
to proue our intent, and to ſhew that ney
nor any Catholike can auoid the aſperſion, &
hereſy, if he perſeuer obſtinatly to impugne
the Popes power to depoſe Princes, ſeeing
practice of that power is moſt clearly decre
ordayned by that famous Councell, and the

the doctrine neceſſarily included and ſuppoſed in the Decree.

17. Thirdly, whereas that which he hath ſayd to ſo litle purpoſe as you haue ſeene, ſeemeth to him ſufficient to ouerthrow my whole diſcourſe (which he termeth more prolixe, then ſolid) I remit the ſolidity as well of my diſcourſe, as of his anſwers, to the iudgment of the indifferent Reader, who may eaſily iudge of both by that which hath byn heere debated betwixt vs, ſeeing that of all his anſwers, arguments, and obiections, no one hath appeared to be of any weyght, worth, or probability. And truly I do not meruaile that my diſcourſe ſeemed prolixe, yea very tedious to him, conſidering the litle pleaſure, or guſt that he could take therin; for a ſhort way ſeemeth long to ſuch as paſſe it with difficulty, and diſguſt, finding where to ſtumble, or fall at euery ſteppe.

18. Finally, whereas he promiſeth (though with a *perhaps*) to examine els where euery particuler argument in my *Suppelment*, he may do well for his reputation, firſt to make good that which he hath ſayd already, leſt ſuch as ſhall haue reade this my *Reply*, & ſeene therin how he hath trifled hitherto, may care litle to read what he ſhall write heereafter; but if he liſt to take the paynes to performe his promiſe, I hope he ſhall reape as litle credit, and contentment thereby, as he is lyke to do by theſe his former labours; for how weake ſoeuer, and inſufficient I may be to encounter ſuch a *Hercules*, or *Golias* (who dare alone oppoſe himſelfe to the whole army of *Iſraell*) yet, I doubt not, but he ſhall find, that *magna eſt veritas & prævalet*, and that the further he wadeth in this matter, the more he ſhall ingulfe himſelfe:

ſelfe in a ſea of abſurdityes: in the meane tyme I hope thou haſt noted, *good Reader*, that he hath not byn able to diſproue any one thing in thoſe two Chapters of my *Supplement*, which he impugneth, & that in examining his anſwers therto, I haue ſufficiently ouerthrowne the grounds of his Doctrine, and ſhewed his vanity, and folly diuers wayes.

19. For firſt, I haue (b) diſſipated the miſt, that he ſeeketh to caſt before the eyes of his Reader, with his vayne pretence *of probability*, which I haue proued to be no other, but ſuch as all heretiks may pretend as well as he, and which being admitted would open a wyde gappe to all *hereſy* and *Atheiſme*; beſids that, I haue (c) ſhewed, that his doctrine is no leſſe preiudiciall to his Maieſty, then pernicious to Catholikes.

(b) *See the Preface n. 10. 11. 12. & ſequent.*

(c) *Ibid. nu. 25. & 26.*

20. Secondly, I haue (d) confuted his anſwers to my arguments, partly by ſhewing the weaknes, and abſurdity thereof, and partly by his owne grounds and conceſſions, and partly by the diſcouery of his fraud in diſſembling (f) not only the pith, and ſubſtance of all my diſcourſe, but alſo other mens anſweres to the ſame obiections, and arguments made by him before in his *Apology*.

(d) *per totum.*

(f) *Chap. 5. nu. 39. Chap. 6. nu. 22. & ſeq. & Chap. 3.*

21. Thirdly hauing had occaſion to debate with him a (g) particuler clauſe of the Oath (concerning the abiuration of the doctrine of the Popes power to depoſe Princes) I haue proued clearly, that his interpretation thereof is moſt abſurd, and wholy repugnant to his Maieſties (h) meaning, and that no Catholike man, nor yet he, or any one that followeth his opinion (k) can with ſafe conſcience ſweare it.

(g) *Chap. 4. per totum.*

(h) *Ibid. n. 21. 22. 23. & 30.*

(k) *Ibid. nu. 31. 32.*

22. Fourth-

22. Fourthly, whereas one of the ſpeciall grounds, whereupon he buyldeth his doctrine is, that the Pope or Church cannot puniſh temporally without the publick, or ſecret conſent (l) of temporall Princes, I haue euidently confuted the ſame by the practice, as well of the Apoſtles, as of all the primitiue Church, when there were no Chriſtian Emperours or Princes, to ratify the ſame; and by the way I haue diſcouered his fraud in the allegation (m) of Canoniſts, and their Gloſſes vpon Canons, contrary to the meaning, and whole courſe of the Canon Law.

(l) *Chap.* 11. *nu.* 7. & *ſeq.*

(m) *Chap.* 17. *per totum.*

23. Fiftly, I haue cleared, and freed the Decree of the famous, & Oecumenicall Councell of *Lateran* (n) concerning the depoſition of Princes, from all the vayne exceptions, arguments, and inſtances which he hath made againſt it; the authority of which Councell, being ſuch as I haue declared it to be, might alone ſuffice to confound him, and all his adherents, though there were no other ſufficient arguments, to conuince them.

(n) *Chap.* 9. 10. 11. 12. 13. 14. 15.

24. Sixtly, I haue ſufficiently defended, and iuſtifyed all my diſcourſe in my *Supplemẽt*, touching the Popes power to depoſe temporall Princes, which I haue there proued to be (p) grounded vpon the Lawes of *God*, *Nature*, *Nations*, *Ciuill*, and *Canon*, and conſequently that the new Oath is wholy repugnant to all thoſe Lawes; in ſo much that if the lyke Oath had byn propounded (q) eyther to the ſeruants of God in the old Teſtament, or to ſuch as followed the light of Nature (r) amongſt the Paynims they would not haue admitted it; and all this, I ſay, I haue ſo clearly proued in my *Supplement*, that he hath

(p) *Chap.* 5. 6. 7. & 8.

(q) *Chap.* 5 *nu.* 24.

(r) *Chap.* 6. *nu.* 11.

not byn able to infring any one iote thereof.

25. Therefore I leaue it, *good Reader*, to thy conſideration what may be expected of his anſwers to other men, when they ſhalbe examined as theſe to me haue byn; and what a dangerous, and inexcuſable temerity it would be in any Catholike man to decline from the ſound iudgment and ſacred ſentence of his ſupreme Paſtor, to adhere to this mans vayne pretence of a bare *probability*, being ſo *improbable*, and oft tymes ſo ridiculous as hath byn manifeſtly ſhewed; and this I hope may ſuffice, for ſo much as he or any man can w th reaſō expect from me, for the cōfutation of his anſwere to my *Supplement*: and with this I would end heere, but that I hold it neceſſary to add one other Chapter more, to ſuch purpoſe as ſhall preſently be declared.

AN

AN ADMONITION TO THE

Catholike Reader, not to be deceiued with the Aduersaries pretence to be a Catholike. Also the Copy of an autenticall Decree, wherein his Apology, *&* Theologicall disputatiõ *are condemned, and prohibited by the expresse commandment of his* Holynes.

CHAP. XVII.

HAVING now answered my Aduersary touching all that which any way concerneth me, eyther in his *Admonition* before his *Theologicall Disputation* or els in those other works of his, wherto he remitteth his Readers for their further satisfaction, I haue thought it conuenient (good *Catholike Reader*) to addresse this last Chapter only to thee, to admonish thee to take heed that thou be not seduced with his pretence to be *Catholike*, or with

the dedication of his booke to his Holynes, and his ſubmiſſion thereof to the iudgment of the *Catholike Roman Church*, wherby he proteſſeth, that if by ignorance he haue fayled in any thing which the *Roman Church* doth not approue, he doth alſo *reproue it, condemne it, and wiſheth it to be held as not written*; let not this, I ſay ſeduce thee, or moue thee to thinke that he teacheth Catholike doctrine concerning the matters now in queſtion, ſeeing it is euident that all this is but a falſe luſter and gloſſe caſt vpon his counterfeyt ware, of purpoſe to deceiue thee.

2. For if he ſo much reſpect, & reuerence his Holines, & the *Roman Church* as he pretendeth, how chanceth it that he vtterly reiecteth three Apoſtolicall *Breues* of his Holines, vpon no better ground & reaſon, but becauſe his Holines hath byn ill informed of the matter, and conſequently deceiued, and abuſed. For can any man with reaſon perſwade himſelfe, that in ſuch an important matter, as is this of the Oath, ſo famous (or rather to ſay truly ſo infamous) throughout Chriſtendome, ſo preiudiciall to the Roman Sea, ſo dangerous and burdenſome to the conſciences of Engliſh Catholikes, and ſo pernicious to their temporall ſtates (as the world knoweth it to be) can any man, I ſay, with reaſon imagine that his Holines did not at the very firſt (before he publiſhed his firſt *Breue*) ſee the Oath it ſelfe, maturely waygh, & ponder it, yea and ſufficiently informe himſelfe of all circumſtances neceſſary to the publication of his Apoſtolicall and iudiciall ſentence? this truly cannot be imagined of his Holynes by any charitable Catholik.

3. And how ſoeuer my Aduerſary, or any other might

might be so temerarious to haue that conceipt at the first, yet he could not without great malice persist in that opinion after the publication of the second *Breue*, wherein his Holines acknowledgeth, & auoweth that the former was *not false, or surreptitious, but written vpon his owne certayne knowledge, motion, & will, & after long & graue deliberation had concerning all things contayned therein*, and that therefore, *the Catholiks were bound to obserue it wholy, reiecting all interpretations to the contrary*. This then being so (according to my Aduersaryes owne relation) (b) it is most euident that his Holynes had taken sufficient information of the whole matter, and all the circumstances thereof, euen before he published his first *Breue*; and therfore my Aduersary affirming the contrary, cannot haue that opinion which a charitable and pious Catholike ought to haue eyther of the wisdome, and piety of his *Supreme Pastor*, or of the authority, and verity of his Apostolicall *Breues*, and Decrees: but doth in effect charge him to haue lyed manifestly in his second *Breue*, when he testifyed that he made the first with *such mature deliberation, and certayne knowledge*, as you haue heard.

(b) *Disp. Theol cap. 10. Sect. 2. nu. 59.*

4. And if the second *Breue* did not suffice to cleare his Holynes of this imputation, yet his third *Breue* must needs be aboundantly sufficient to do it in the opinion of any reasonable man, seeing that he confirmed thereby his former iudgment, giuing expresse order, and faculty to *M. George Birket* the late *Archpriest* (as my Aduersary himselfe also signifyeth) (c) to punish by the depriuation of faculties, all such English Priests of the Seminaries, as being subiect to his iurisdiction had already taken the Oath,

(c) *Ibid. nu. 60.*

or had taught, and did ſtill teach it to be lawfull, and not abſtayne from the ſame, and reforme their errour vpon due admonition giuen them, and within a certayne tyme to be preſcribed vnto them; wherby, I ſay, any reaſonable man muſt needs be induced to thinke, that his Holynes neyther was, nor could be all this tyme (which was more then two yeares) ignorant of the true nature, and quality of the Oath, and of the ſtate of the queſtion betwixt the Catholiks and their Aduerſaryes, eſpecially ſeeing that now he beganne to draw his *Apoſtolicall* ſword, proceeding to the puniſhment of ſuch as did take, or defend the Oath, which he could not lawfully do without due conſideration, and diligent diſcuſſion of the whole controuerſy, and ſufficient information of all the circumſtances therof.

5. Therfore he that thinketh otherwyſe of his Holynes (as my Aduerſary doth, affirming (c) that his *Breues* were grounded *vpon light foundations, and falſe informations*) muſt needes hold him to be the moſt careleſſe, and negligent Paſtor that euer gouerned the Church of God: wherby any man may iudge what account he maketh of his Holines, and his authority, notwithſtanding his ſubmiſſion of his writings to the *Catholike Roman Church*.

(c) *Diſp. Theol. cap. 10. ſect. 2. nu. 46.*

6. And whereas he ſignifieth, that his Holines was deceaued by Cardinall *Bellarmine* (d) and Father *Parſons*, he ſheweth himſelfe very vayne, and abſurd in this coniecture. For how can any man perſwade himſelfe with reaſon, that his Holynes meaning to giue his Apoſtolicall ſentence in a matter of ſo great importance, as was this of the Oath (which ſentence he was well aſſured ſhould be skanned and cenſured

(d) *Ibid. nu. 51. & 52. Item ep. Dedic. nu. 8.*

to

to the vttermoſt ; by all the *Heretyks*, and *Politiks* of Chriſtendome) would ſuffer himſelfe to be led, or guyded by any two, or 3. or a few perſons, were they neuer ſo learned, or well eſteemed of him? Beſids that, it is euident to all thoſe that know how that matter paſſed, that it was long debated in certayne congregations of learned Cardinalls, and other great Deuines ; wherein Cardinall *Bellarmine* had only but one voyce, as other Cardinalls had, and Fa. *Perſons* none at all, for that he did not enter therin.

7. Whereto I alſo adde, that my Aduerſary contradicteth, and ouerthroweth his owne calumny touching Fa. *Perſons*, with a relation which he maketh to iuſtify it, in his *Theologicall diſputation*, wherin he layeth downe the contents of a letter written by Fa. *Parſons* to a friend of his in *England*, ſignifying that a conſultation had byn made by 7. or 8. of the beſt Deuynes in *Rome* about the Oath ; and that he himſelfe had conferred twyce with his Holynes touching the ſame, and that in the firſt conference, he & *Thomas Fitzherbert* propounded to his Holynes a certayne meane of *mitigation*, or moderation, ſuggeſted by friends, to the which his Holynes anſwered » that his meaning was not to proceed to cenſures a- » gainſt his Maieſty, but rather to vſe all gentle and » myld proceeding with him : but as for the authority » of the *Sea Apoſtolike* in ſuch affayres, he was fully » reſolued rather to ſuffer death then to yield one iote » therein. And in the other cõference, his Holynes be- » ing aduertiſed that certayne Prieſts did inclyne to the » taking of the Oath, anſwered that he could not take » ſuch for *Catholiks*. »

Diſp. Theol. cap. 10. Sect. 2. nu. 52. 53. & ſeq.

8. Thus doth my Aduerſary relate Fa. *Perſons* his letters

letters touching his conference with his Holynes, before the first *Breue* was sent into *England*; wherby it is manifest that Fa. *Parsons* was so farre from perswading or drawing his Holynes to the resolution which he tooke concerning the publicatiō of his *Breue*, that he sought to induce him to some other course, propounding meanes of *mitigation*, which indeed I can testify to be true vpon my owne knowledg, as it may appeare by my subscription to that letter of Fa. *Parsons*, which my Aduersary mentioneth, if the originall be yet extant.

9. And therefore to the end that thou mayst, *good Reader*, know somewhat more of this matter, and vpon what occasiō his Holynes spake of *censures* against his Maiesty, and his owne authority, thou shalt vnderstād, that amongst other things tending to the mitigation which Fa. *Parsons* propounded, one was, that it might please his Holynes to offer to his Maiesty, that if his Maiesty would vse at least some conniuency, & moderation towards the poore afflicted Catholiks his subiects, his Holynes would giue him sufficient assurance by the meanes of Catholike Princes; that he would neuer proceed with censures against him, but bynd his sayd subiects vnder the payne of grieuous censure to yield vnto his Maiesty all temporall, and ciuill obedience for the security of his state, and person; which motion his Holynes seemed not to mislike, and therfore signifyed that the same was conforme to his intention; which was not to proceed to the rigour of censures against his Maiesty, but to vse all indulgent and courteous dealing towards him; albeit he was resolued rather to loose his head, then to yield any iote of his authority in such

ſuch affayres.

10. This then being ſo, I cannot omit vpon this occaſion to deſire thee, *good Reader*, to note the improbable, and impertinent inference which my Aduerſary maketh vpon this anſwere of his Holines: for he inferreth therupon that his Holynes did cõdemne the Oath by his *Breues*, and held them for no *Catholiks* who inclined to take it, becauſe he was perſuaded that his authority to proceed with cenſures againſt the King, and conſequently his ſpirituall authority, was denyed thereby; and then he cõcludeth, that if his Holynes was moued to condemne it for that cauſe by the inſtigation of Cardinall *Bellarmine*, Fa. *Parſons*, & thoſe 7. or 8 Deuines (mentioned in the letter abouesayd) *nimis proh dolor*, ſaith he, *manifeſtum eſt &c. it is, alas, too manifeſt, that his Holynes was deluded, to the great ignominy of the Sea Apoſtolike, the grieuous ſcandall of Proteſtants, and the vtter temporall ruine of very many Catholikes*. So he.

Diſput. 3. Theol. cap. 10. Sect. 2. nu. 57.

Ibid. nu. 58.

11. Wherein I wish to be noted, firſt vpon what a weake ground he reiecteth the Popes *Breues*, ſeeing that he relyeth only vpon his bare opinion, that the Pope was ill informed and deluded by others, which he laboureth ſeriouſly to (d) perſuade his Reader to be very probable, although it is ſo coniectural! , and vncertayne, that he is fayne to conclude all, as you haue heard (f) with an *if*, or a *peraduenture*: ſo as if the Pope was not moued vnto it by the inſtigation of thoſe whome he nameth, he concludeth, or proueth nothing but his owne impudency, and temerity in oppoſing his idle conceipt, and fantaſy againſt the Popes ſerious, and ſolemne teſtimony, proteſting in his ſecond *Breue* (as you haue heard) that he for-

(d) *Ibid. nu. 51. 52. & 57.*

(f) *nu. 58.*

bad the Oath vpon his owne *certayne knowledge, motion, and will, after long, and graue deliberation*, and therefore I remit it to the prudence, and good conſcience of any ſincere Catholike, whether he will beliue in this caſe, this mans vayne coniecture, or the ſolemne proteſtation of his Holyneſſe.

12. Secondly, though we ſhould admit that the Pope was deluded, and falſely perſwaded by others, that his ſpirituall power to inflict cenſures is impugned by the Oath, yet my aduerſary gayneth nothing thereby for the iuſtifycation of the Oath, and the diſproofe of his Holynes *Breues*; and this I ſay for two reaſons, the one becauſe it doth not follow vpon the anſwere of his Holynes to F. *Parſons*, that he forbad the Oath for that cauſe (as any man may eaſily ſee, who liſt to examine it:) the other reaſon is for that the Oath is forbiddē in the *Breue* expreſſely, becauſe it *contayned many things contrary to faith, and the ſaluation of ſouls*, whereby it is euident that albeit his Holynes had byn falſely perſwaded that his ſpirituall authority was impugned by the Oath, yet the prohibition of the ſayd Oath in his *Breue* might be iuſt, as being grounded vpon other reſpects, ſeeing that the *Breue* declareth it to be vnlawfull for many cauſes, and doth not mention this for any of them.

13. Beſides that, the anſwere of his Holynes to F. *Parſons* concerning *the authority of the Sea Apoſtolike in ſuch affaires* (for ſo were the words of F. *Parſons* his letter) did not exclude the depoſition of Princes from his ſpirituall authority, but neceſſarily include it, becauſe his ſaid anſwere was to be vnderſtood *ſecundum ſubiectam materiam*, that is to ſay, according

to

to the meaning, and drift of the Oath, which was the ſpeciall ſubiect of that Conference; and therfore for as much as the Popes power to depoſe Princes, and to diſcharge ſubiects of their allegiance, is directly denyed by the Oath, and that the ſame is neuer effected, or performed, but by vertue of ſome *cenſure of excommunication*, it is manyfeſt, that his Holynes anſwering a demand concerning the Oath, and ſpeaking of the *authority of the Sea Apoſtolike in ſuch affayres*, included therein his power as well to depoſe, as to excommunicate Princes, eſpecially knowing well, as he did, that the Oath denying his power to depoſe Princes, doth by a neceſſary conſequent deny his ſpirituall authority which includeth that power, as I haue ſufficiently declared, and proued in this (c) Treatiſe.

(c) *Chap. 2. per totum. Item c. 5. & 6.*

14. Whereupon it followeth, that albeit his Holynes had byn perſwaded by Cardinall *Bellarmine F. Parſons*, and others, that the Oath denying his power to depoſe Princes, impugned his ſpirituall authoritie, he had not byn deluded, or deceiued therein, nor had erred in the reaſon why he forbad the Oath, though he had forbidden it for that cauſe only, as it is euident by the *Breue* he did not, but for many reſpects. And therefore thou ſeeſt, *good Reader*, what probable exceptions this ſilly, ſick, and ſcabbed *ſheepe* taketh to the iudgment, and ſentence of his *ſupreme Paſtor*, and what account he maketh of his Apoſtolicall authority, and conſequently what a good Catholike he is.

15. To this purpoſe it is to be noted how peremptorily, & arrogantly he writeth to his Holynes, ſaying, that *if he condemne his booke, or writings as he-*

reticall, or erroneous (vpon the falſe informations of his Aduerſaries) he leaueth it to the iudgment both of his Holynes, and all the Chriſtian world, how great an iniury he ſhall do him, and what a great occaſion of ſcandall he ſhall giue thereby to the Aduerſaries of Catholike verity. So he.

15. Wherein you ſee, he doth not promiſe his Holynes to retract, or reforme his writings, and doctrine, in caſe that he do condemne them, but anticipateth the iudgment of his Holynes with a proteſtation of wrong, and of occaſion of great ſcandall, inſinuating alſo further, that the *whole Chriſtian world* will iuſtify him therein, in which reſpect he confidently leaueth his cauſe to the iudgment thereof, meaning by *the Chriſtian world* (as may well be coniectured) ſome generall Councell, whereto he meaneth to appeale; and therefore he teacheth alſo afterwards, that it is a probable opinion, that the Pope may erre in any definition of his, if it be not approued by a generall Councell: ſo as he ſheweth euidētly what ſtarting hole he hath found already to eſcape away from the cenſures of the *Sea Apoſtolike* to wit, by appealing from the Pope to a generall Councell, as that miſerable man his fellow *Shelaon* did, & all Apoſtata's and heretiks are wont to do at their firſt breach, and diſunion from the Church.

Theolog. Diſput. c. 3. nu. 8. & c. 10. n. 27.

17. This is manifeſt, euen in *Luther* himſelfe, who after he had begun to ſet abroach his hereſy, retayned for a whyle the good opinion of many Catholikes, with his pretence ſtill to reuerence, and highly eſteeme the Popes authority, in ſo much that he wrote to Pope *Leo* in theſe words: *Quare, Beatiſſime Pater, proſtratum me pedibus tuæ Beatitudinis offero* &c.

Surius in. 1518.

&c. Wherefore, most holy Father, I offer my selfe prostrat to the feete of your Holynes, with all that I haue, or am: do you quicken, or kill, call, or recall, approue, or reproue, as it shall please you, I will acknowledge your voyce, as the voyce of Christ gouerning in you. So he; making, as you see, a farre greater, and more absolute submission then my Aduersary doth, albeit within a while after being condemned first by a Legate of the Pope, & after by the Pope himselfe, he appealed first from the Legate to the Pope, & afterwards from the Pope to a future Councell: and what became of him in the end the world hath seene, and felt by the bad fruits, and effects of his *Apostasy*; *Sed Deus meliora.* *Ibid. an. 1519.*

18. That which I wish to be obserued heerein is, how litle heed is to be taken to my Aduersaries submission of his writings to the *Roman* Church, considering his doctrine, and the course he holdeth in the maynrenance thereof. For as *Cicero* sayd by *Epicurus* (who wrote sometymes very vertuously, and thereby deceiued many) it is not so much to be considered, what he writeth, as what his grounds, and principles are, and how well his writings agree therewith; as for example what opinion he, or any other hath, or can haue of the authority of the *Sea Apostolike*, who purposely impugneth the iurisdiction thereof, contradicting (as I haue shewed sufficiently in this Rep'y) the ancient and generall practice of the Church, the expresse Canons thereof, and the Decrees of Popes, and generall Councells, vpon an absurd supposition partly of a bare probability in his owne doctrine, and partly of a possibility of errour in Decrees touching matter of fact, which he is not ashamed to say of the Decree of the famous Oecu-

menicall Councell of *Lateran*, albeit all Catholiks do vniformely teach that generall Councells lawfully assembled and confirmed by the Pope, cannot erre in any generall Decree, touching eyther fayth, or manners, as I haue sufficiently signifyed (h) before.

(h) *See c. 16. nu. 11. & 12.*

19. Besides that, he vseth the very obiections, arguments, answers, shifts, and euasions of heretyks, discouering now, and then such an arrogant, proud, and malicious spirit towards the *Sea Apostolike*, that no zealous Catholike can read him without great disgust and indignation, or can take him for any other, then an heretike disguised, and masked vnder the vizard of a Catholike.

20. And what more manyfest argument can a man desire of the truth hereof, then that his books are printed *Cosmopoli*, and *Albionopoli*, that is to say, in good English, euen in *London*, with the consent and approbation of my Lord of *Canterbury*, and his fellowes? Can any man perswade himselfe that their Lordships are turned Papists of late, or that they would suffer bookes to be printed vnder the name of Catholiks with Epistles dedicatory to the Pope, and submission of the whole to the censure *of the Roman Church*, if they did not know that the Authour therof meant the same for a meere mockery, & derisiõ of his Holynes, honoring him as the *Iewes* did *Christ*, when they kneeled downe, and adored him, saying, *Aue Rex Iudeorũ*, and spitting in his face? Besids that they know full well that he shall farre more easily instill his pernicious doctrine into the minds of *Catholiks*, vnder the pretence, and name of a *Catholike*, of a friend, and of a brother of theirs, then if he should

Matth. 27.

discouer

discouer himselfe to be a Protestant, and enemy of their cause, for as the Poet sayth:

Tuta, frequensq́ via est, per amici fallere nomen:
Tuta, frequensq́ licet sit via, crimen habet.

Which one translated very aptly thus.

It is a safe and common way, by friendship to deceiue:
Though safe, and common be the way, t'is knauery by your leaue.

21. S. *Ambrose* sayth: *nihil periculosius his hæreticis esse potest &c.* *nothing can be more dangerous then those heretiks, who with some one word only, as with a drop of poyson, doe infect the pure, and sincere fayth of our Lord, and of the Apostolicall tradition*; but what would he haue sayd, if he had seene this fellowes bookes impugning directly the *Sea Apostolike*, and the whole course of the Ecclesiasticall gouernment vnder a solemne protestation, and profession of obedience to the Church? would he haue thought any thing more dangerous, or pernicious then him, and his works? No truly. S. *Amb. de filij diuinitate. ca. 1.*

22. And therefore I hope thou wilt be wary (good Catholike Reader) and diligent to discouer his fraud, thereby to auoid the danger of his poysoned pen, pondering all this matter in the iust ballance of prudence, that is to say, that thou wilt counterpoyse his vayne pretence *of probability*, not only with the graue and sacred authority of the Churches practise for many ages, but also with the Canons of Generall, and Prouincial! Councells, with the Decrees of Popes, and with cleare doctrine of so many famous, and learned writers as he impugneth. Also that thou wilt waygh his presumption in defending, and iustifying the Oath, with the iudgment, and authority

thority of thy ſupreme Paſtor, who condemneth, and forbidderh it; the pretended force, and ſolidity of his doctrine, and arguments, with the ridiculous abſurdityes which thou haſt euidently ſeene in his anſwers to me; outward ſhewes of affection to thee, and deſire of thy good, with the inward intelligence that he hath with Gods enemies and thyne (who employ him to deceiue thee, ſeruing themſelues of him, as Fowlers doe of birds, which they keep in cages for ſtales, to draw other birdes, with their chirping, into their nets, and ſnares.) Alſo that thou wilt ballance thy obligation to man, with thy duty to God, and the loſſe of thy temporall goods, with the gaine of euerlaſting glory, from the which the Diuell ſeeketh by his meanes to debarre thee, and therefore I wiſh thee euer to beare in mind this comfortable leſſon of the Apoſtle, *Quod momentaneum, & leue eſt tribulationis noſtræ, æternũ gloriæ pondus operatur in nobis*.

2. Cor. 4.

23. And now to conclude with a more authenticall teſtimony, and iudgment then my owne concerning my Aduerſary, and his works, I thinke good to giue thee heere a true copy of a Decree very lately printed, and publiſhed by a Congregation of Cardinalls deputed by his Holynes, for the examination of ſuſpected bookes, who by his Holynes expreſſe order, and commaundment haue condemned and prohibited ſuch bookes of his as haue hitherto come to their hands, to wit, his *Apology*, and *Theologicall diſputation*.

24. For although they find by a certayne Preface anneued to his *Theologicall diſputation*, that he hath written alſo another booke againſt an Engliſh Do-

ctor, yet becauſe they haue neuer ſeene it, they haue not expreſſely & ſeparatly cẽſured, or named it in the Decree; neuertheles the ſubiect thereof being ſuch, as by the Preface it ſeemeth to be (that is to ſay, contayning the ſame doctrine that he hath deliuered in his other bookes) all Catholikes may eaſily iudge what opinion they ought to haue of it, and may iuſtly expect, that if he be a Catholike, as he profeſſeth to be, he will now ſhew it, not only changing priuatly his opinion, but alſo publikly retracting his doctrine, with all conuenient ſpeed, thereby to cleare himſelfe, according to an expreſſe admonition giuen him in the ſayd Decree, vpon payne of ſuch Eccleſiaſticall cenſures as ſhall otherwyſe be inflicted vpon him.

25. So as, I hope (*Catholike Reader*) thou ſhalt ſhortly be out of all doubt of what religion he is; for if now, after that this controuerſy of the Oath hath byn many yeares debated, and diſcuſſed by the learned Catholikes of diuers Nations, and determined by two Apoſtolicall *Breues*, yea and that his owne bookes written in defence of the Oath, are condemned by his Holynes, and he himſelfe peremptorily admoniſhed vnder payne of Eccleſiaſticall cenſures, to cleare & cõforme himſelfe without further delay; if now, I ſay, after all this he will pretend (as hitherto he hath done) that his Holynes is ſtill ignorant of the true ſtate of the queſtion, or that he is deceiued, and deluded by others; or els if he ſeeke other new ſhifts, euaſions, or delayes to excuſe, or deferre his cõformity to the iudgemẽt of his ſupreme Paſtor, he ſhall ſhew himſelfe to be eyther a ſcabbed, and rotten ſheep worthy to be excluded out of the fold (for

Ibid. pag. 522.

feare he infect others) or els a rauening wolfe clad in a sheepes skinne.

26. Besides that, it will euidently appeare that all his former pretences to be Catholike, and his submissions to the Sea Apostolike, haue proceeded from no other ground but from a deepe dissimulation, or rather an artificiall, & execrable hypocrisy, to delude and deceiue Catholikes, which I leaue (*good Catholike Reader*) to thy prudent consideration, and humbly beseech Almighty God, from the bottom of my hart, to illuminat, and inspire him with his grace, that he may see his owne lamentable estate, and preuent the danger of his soule, whereinto he runneth head long, if he continue his wonted course.

DECRE-

DECRETVM

Sacræ Congregationis Illuſtriſſimorum S. R. E. Cardinalium à S. D. N. PAVLO Papa V. Sanctaq; Sede Apoſtolica ad Indicem librorum, eorumdemq; permiſſionem, prohibitionem, expurgationem, & impreſſionem in vniuerſa Republica Chriſtiana ſpecialiter deputatorum vbique publicandum.

SACRA Congregatio Illuſtriſſimorum S. R. E. Cardinalium ad Indicem deputatorum, viſo libro falsò inſcriptò, Apologia Cardinalis Bellarminij pro iure Principum aduerſus ſuas ipſius rationes pro auctoritate Papali Principes ſæculares in ordine ad bonum ſpirituale deponendi; Auctore Rogero Widdringtono Catholico Anglo 1611. *eiuſdemq; auctoris alio libro inſcripto,* Diſputatio Theologica de Iuramento Fidelitatis Sanctiſſ. Patri Paulo Papæ V. dedicata, Albionopoli 1613. *vtrumque librum damnandum, atque prohibendum eſſe cenſuit; Sicuti de mandato Sanctiſſimi Domini Noſtri D. Pauli Papæ V. præſenti Decreto penitus damnat, & prohibet quouis idiomate impreſſum, aut imprimendum: ac niſi illorum auctor, qui Catholicum profitetur, quamprimum ſeſe purgauerit, cenſuris, ac alijs pœnis Eccleſiaſticis intelligat ſe omninò coercendum. Mandat autem, quòd nullus deinceps cuiuſcumque gradus, & conditionis, ſub pœnis in ſacro Concilio Tridentino, & in Indice librorum prohibitorum cõtentis, ſupradictos libros audeat imprimere, aut imprimi curare, vel quomodocumque apud ſe detinere,*

aut legere; & sub ijsdem pœnis præcipit, vt quicumque nunc eos habent, vel habuerint in futurum, locorum Ordinarij, seu Inquisitoribus statim à præsentis Decreti notitia illos exhibeant. In quorum fidem præsens Decretum manu, & sigillo Illustrissimi, & Reuerendissimi D. D. Cardinalis S. Cæciliæ Episcopi Albanen. signatum, & munitum fuit, die XVI. Martij. 1614.

P. Episcopus Albanen. Card. S. Cæciliæ.

Locus ✠ sigilli

Reg. fol. 50.

Fr. Thomas Pal'auicinus Ord. Prædicatorum, Secretarius.

ROMAE, Ex Typographia Cameræ Apostolicæ. 1614.

A DECREE

A DECREE

To be published euery where, made by the Sacred Congregation of the most Honorable Cardinalls of the holy Roman Church, specially deputed by our most holy Lord Pope Paul the fifth, and the holy Apostolike Sea, for the examination of books, and their permission, prohibition, purgation, and impression, throughout the vniuersall Christian common welth.

THE Sacred Congregation of the most Honorable Cardinalls of the holy Roman Church, deputed for the examination of bookes, hauing seene a booke falsely intituled, *An Apology of Cardinal Bellarmine, for the right of Princes, against his owne reasons for the Popes authority to depose secular Princes, in order to spirituall good, written by Roger Widarington an English Catholike in the yeare of our Lord* 1611. and another booke of the same Authour, intituled, *A Theologicall disputation concerning the Oath of Allegiance, dedicated to the most holy Father Pope Paul the fifth, printed at Albionopolis in the yeare of our Lord* 1613. hath iudged both the bookes worthy to be condemned and prohibited, and by the commaundment of our most holy Lord Pope Paul the fifth, doth by this present Decree vtterly condemne, and prohibit them in what language soeuer they are printed, or to be printed: and except the authour of them, who professeth himselfe to be a Catholike, do cleare himselfe forthwith, he is to vnderstand, that he shalbe throughly punished with censures, and other Ecclesiasticall penalties. Further-

more it commaundeth vnder the paynes contayned in the holy Councell of *Trent*, and the *Index* of forbidden Bookes, that none of what degree, or condition ſoeuer, be ſo bold from henceforth to print the forſayd bookes, or cauſe them to be printed, or keep them with him in any ſort, or read them. Alſo it commaundeth vnder the ſame penaltyes, that whoſoeuer hath them now, or ſhall haue them hereafter, he ſhall preſently vpon the knowledg of this preſent Decree, exhibite them to the Ordinaries of the places (where he is) or to the Inquiſitors. In teſtimony whereof this preſent Decree was ſigned, and ſealed with the hand, and ſeale of the moſt *Honorable*, and moſt *Reuerend Lord*, the Lord *Cardinall* of S. *Cæcilia* Biſhop of *Alba*, the 16. of *March* 1614.

P. Bishop of Alba Card. of S. Cæcilia.

The place ✠ for the Seale.

1 *Regiſt. fol.* 50.

Fr. Thomas Pallauicinus of the Order of Preachers, Secretary.

Printed in Rome by the Printer of the Apoſtolicall Chamber. 1614.

Faultes

Faultes eſcaped in the Printing.

Page,	*Line*,	*Error*,	*Correction*.
12.	13.	anſwers ſhall	we ſhall
28.	7.	affiming	affirming
21.	23.	one	on
90.	11.	diſobedince	diſobedience
100.	13.	*Anqures*	*Augures*
108.	8.	or Nature	of Nature
124.	21.	which	with
146.	17.	no to	not to
188.	7.	to far	ſo far
189.	7.	of Roman	of the Roman.

If any other faults of leſſe moment, by reaſon of the obſcure copy, and abſence of the Author, haue eſcaped, the Reader will eaſily find, & correct them of himſelfe.

FINIS.